

THE  
STATUTES OF CALIFORNIA

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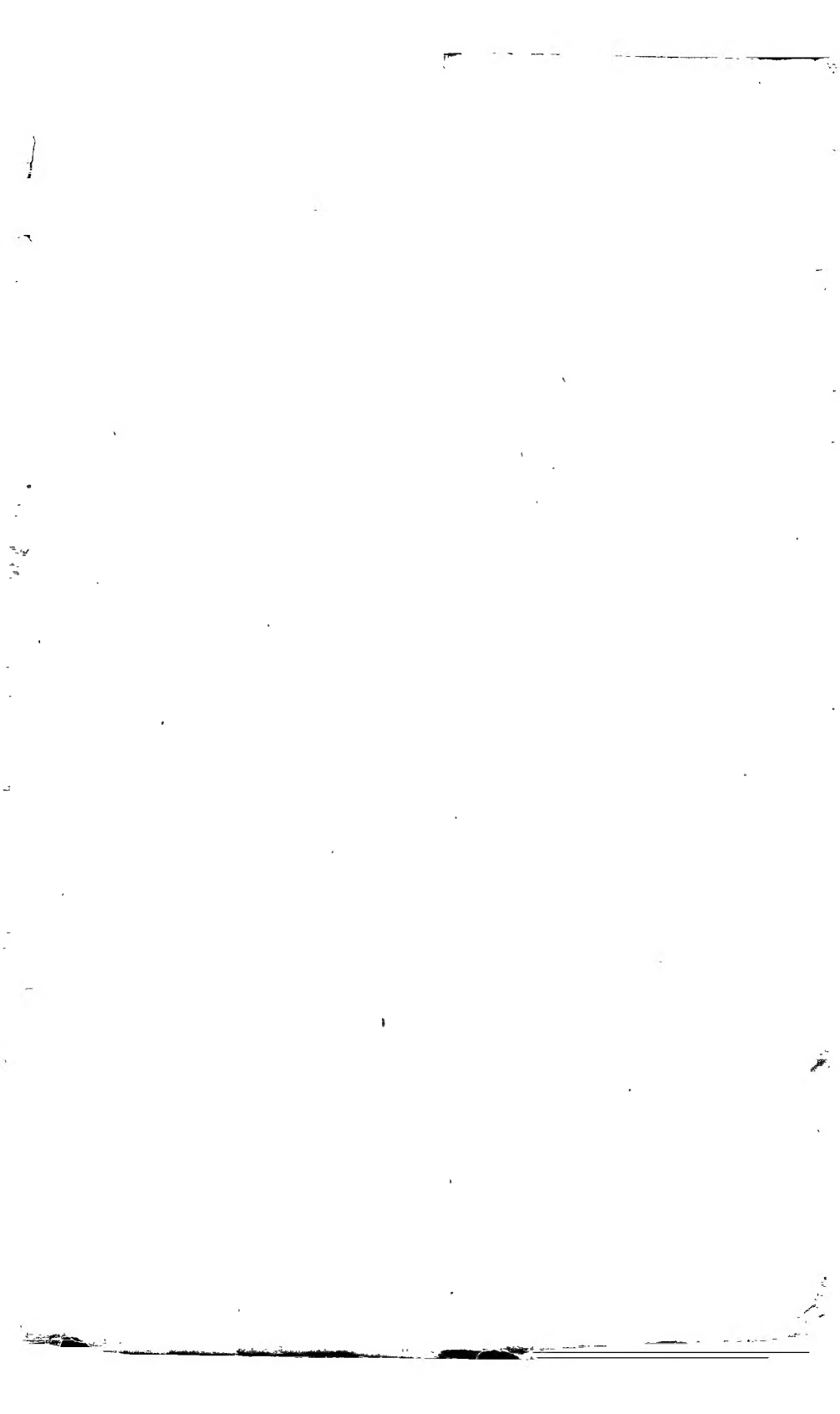
Twenty-second Session of the Legislature,

1877-8.

BEGAN ON MONDAY, DECEMBER THIRD, EIGHTEEN HUNDRED AND SEVENTY-  
SEVEN, AND ENDED ON MONDAY, APRIL FIRST, EIGHTEEN  
HUNDRED AND SEVENTY-EIGHT.



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26	Relative to increase of mail service in Santa Barbara—adopted February 28, 1878.....	A. J. R. 28..	1068
27	Relative to increasing the appropriation for arming and equipping the militia—adopted March 2, 1878.....	S. J. R. 35..	1068
28	In reference to viniculture—adopted March 7, 1878.....	S. S. J. R. 34..	1069
29	Relative to the abolition of duties on grain bags and materials of which they are made—adopted February 28, 1878.....	S. J. R. 26..	1069
30	Requesting Congress to enact a law reserving the fresh waters upon the public lands of the United States for the free and common use of the inhabitants of the State or Territory where the same are situated—adopted March 6, 1878.....	A. J. R. 10..	1070
31	Relative to the relinquishment by the United States of the site of Camp Independence, in Inyo County—adopted March 9, 1878.....	A. J. R. 57..	1071
32	Relative to subsidies to corporations and the donation of public lands—adopted March 11, 1878.....	A. J. R. 3..	1071
33	Relative to Indian Reservation in San Diego County—adopted March 11, 1878.....	A. J. R. 32..	1072
34	Relative to duty on mohair—adopted March 11, 1878.....	A. J. R. 43..	1073

Chap.	CONCURRENT AND JOINT RESOLUTIONS.	Number and where introduced.	Page.
35	Relative to duty on wool—adopted March 11, 1878.....	A. J. R. 46..	1073
36	Relative to recognition of Porfirio Diaz as President of Mexico— adopted March 11, 1878.....	A. R. 44.....	1074
37	Asking increased mail facilities in San Luis Obispo County— adopted March 11, 1878.....	A. J. R. 62..	1074
38	Cemetery for City of San Francisco—adopted March 11, 1878.....	S. J. R. 37..	1075
39	Mail route between Oroville and Mooretown, in Butte County— adopted March 11, 1878.....	A. J. R. 50..	1075
40	Relative to a mail route in Fresno County—adopted March 11, 1878.....	A. J. R. 55..	1075
41	Relative to throwing open old Klamath Indian Reservation to settlers—adopted March 14, 1878.....	A. J. R. 66..	1076
42	Relative to soldiers who left their commands at the time of the gold excitement—adopted March 12, 1878.....	A. J. R. 45..	1076
43	Relative to the office of the United States Surveyor-General of Cal- ifornia—adopted March 22, 1878.....	S. J. R. 42..	1077
44	Relative to lands in Yosemite Valley—adopted March 20, 1878.....	S. C. R. 45..	1077
45	Relative to daily mail in Fresno and Kern Counties—adopted March 20, 1878.....	S. J. R. 46..	1078
46	Relative to mail route in Tulare County—adopted March 20, 1878.....	S. J. R. 47..	1079
47	Relative to mail route in Shasta and Modoc Counties—adopted March 20, 1878.....	S. J. R. 48..	1079
48	Relative to the production and manufacture of sugar from beets and melons in the State of California, and the appointment of a suitable person to investigate the subject and to report thereon—adopted March 22, 1878.....	A. J. R. 59..	1079
49	Relative to constructing a breakwater or sea-wall in the Harbor of Santa Barbara—adopted March 22, 1878.....	A. J. R. 65..	1080
50	Relative to a weekly mail route from the county seat of Fresno, and via Liberty, to Waltham Cañon, in Fresno County— adopted March 22, 1878.....	A. C. R. 67..	1081
51	Relative to indebtedness of the several swamp land districts— adopted April 1, 1878.....	A. C. R. 77..	1081
52	Relative to Presidential Electors—adopted April 1, 1878.....	S. J. R. 13..	1082
53	Relative to savings banks and taxation of deposits therein— adopted March 30, 1878.....	S. J. R. 50..	1083
54	Relative to payment of Indian war bonds—adopted March 30, 1878.....	A. J. R. 73..	1083
55	Relative to a re-survey of San Pablo and Suisun Bays—adopted March 26, 1878.....	S. J. R. 54..	1084
56	Asking restoration of Brevet Colonel J. B. Collins to his former position in the United States Army—adopted March 30, 1878.....	S. J. R. 59..	1084
57	Relative to rifle teams at international contests at Paris—adopted March 28, 1878.....	S. J. R. 57..	1085



# LIST OF OFFICERS.

NAMES AND RESIDENCES OF STATE OFFICERS, JUSTICES OF SUPREME COURT,  
SENATORS, MEMBERS OF ASSEMBLY, AND PRESIDING OFFICERS OF  
BOTH HOUSES, IN OFFICE AT THE TIME OF THE PASSAGE  
OF THE LAWS CONTAINED IN THIS VOLUME.

## STATE OFFICERS.

NAME.	OFFICIAL POSITION.	RESIDENCE.
William Irwin	Governor	Yreka.
James A. Johnson	Lieutenant-Governor	San Francisco.
Thomas Beck	Secretary of State	Watsonville.
W. B. C. Brown	Controller	Sacramento.
José M. Estudillo	State Treasurer	San Diego.
Jo Hamilton	Attorney-General	Auburn.
William Minis	Surveyor-General	Woodland.
F. P. Thompson	Superintendent State Printing	Santa Rosa.
Ezra S. Carr	Superintendent Public Instruction	Oakland.
P. F. Walsh	Adjutant-General	San Francisco.
R. O. Cravens	State Librarian	Sacramento.
E. W. Maslin	Governor's Private Secretary	Santa Rosa.
William Blanding	State Harbor Commissioner	San Francisco.
A. M. Burns	State Harbor Commissioner	San Francisco.
Bruce B. Lee	State Harbor Commissioner	Nevada City.

*State Board of Tide Land Commissioners*—The Governor, Surveyor-General, and Controller.

*State Board of Equalization*—The Governor, Attorney-General, and Controller.

*State Board of Examiners*—The Governor, Secretary of State, and Attorney-General.

*Board of State Capitol Commissioners*—The Governor, Secretary of State, and State Treasurer.

*Board of State Prison Directors*—The Governor, Lieutenant-Governor, and Secretary of State.

*Warden of the State Prison*—The Lieutenant-Governor.

## JUSTICES, CLERK, AND REPORTERS OF THE SUPREME COURT.

NAME.	OFFICIAL POSITION.	RESIDENCE.
William T. Wallace	Chief Justice; elected October 20th, 1869.	San Francisco.
Joseph B. Crockett	Justice; elected October 20th, 1869.	East Oakland.
A. C. Niles	Justice; elected October 18th, 1871.	San Francisco.
A. L. Rhodes	Justice; elected October 18th, 1871.	San José.
E. W. McKinstry	Justice; elected October 18th, 1873.	San Francisco.
G. J. Carpenter	Reporter	Placerville.
Charles A. Sumner	Phonographic Reporter	Oakland.
D. B. Woolf	Clerk; elected September 1st, 1875.	San Francisco.

## SENATORS.

JAMES A. JOHNSON.....President.

NAME.	COUNTIES REPRESENTED.
Anguey, W. Z.*	Santa Clara.
Benzell, J.	Alameda.
Bones, J. W.†	Alameda.
Boring, S. W.‡	Santa Clara.
Boynton, John S.	San Francisco.
Brown, Frank M.	Amador and San Joaquin.
Brown, William H.	El Dorado and Alpine.
Coleman, John C.	Nevada.
Craig, J.	San Francisco.
Crane, W. H.	Butte, Lassen and Plumas.
Curtis, N. Greene.	Sacramento.
Donovan, M. J.	San Francisco.
Dean, Peter.	San Francisco.
Evans, G. S.	San Joaquin.
Flint, Thomas.	Santa Cruz, Monterey, and San Benito.
Fowler, Thomas.	Fresno, Tulare, Kern, Inyo, and Mono.
Gwin, William M., Jr.	Tuolumne and Calaveras.
Gouldwin, Jesse O.	Sutter and Yuba.
Howe, R.	San Francisco.
Haymond, Creed.	Sacramento.
Hilborn, S. G.	Solano.
Hill, William McPherson.	Sonoma, Napa, and Lake.
Lewis, E. J. (President pro tem.)	Colusa and Tehama.
Lambert, John.	Solano and Yolo.
McCoppin, Frank.	San Francisco.
McCarthy, T.	San Francisco.
Murphy, John C.	San Francisco.
McGarvey, R.	Mendocino, Humboldt, and Del Norte.
Montgomery, J. M.	Merced, Mariposa and Stanislaus.
Murphy, B. D.	Santa Clara.
Murphy, P. W.	San Luis Obispo, Santa Barbara and Ventura.
Nunan, L.	San Francisco.
Norton, W. C.	Placer.
Pierson, W. M.	San Francisco.
Porter, Nathan*	Alameda.
Ream, Daniel.	Siskiyou, Modoc, Shasta, and Trinity.
Rogers, G. H.	San Mateo and San Francisco.
Satterwhite, J. W.	San Bernardino and San Diego.
Shirley, Paul.	Contra Costa and Marin.
Smith, George H.	Los Angeles.
Searls, Niles.	Sierra and Nevada.
Whitney, A. P.	Sonoma.

\* Died during the session. † Filled vacancy caused by death of Nathan Porter. ‡ Filled vacancy caused by death of W. Z. Anguey.

## OFFICERS OF THE SENATE.

NAME.	OFFICIAL POSITION.
Rufus Shoemaker	Secretary.
George Seckel	Assistant Secretary.
P. H. Dunn	Assistant Secretary.
William H. Bell	Sergeant-at-Arms.
S. S. Ford	Assistant Sergeant-at-Arms.
Newton Benedict.	Minute Clerk.
L. C. Branch	Assistant Minute Clerk.
George B. Cosby.	Journal Clerk.
Michael Mitchell.	Engrossing Clerk.
George W. Green, Jr.	Enrolling Clerk.
H. B. Davidson	Clerk to Sergeant-at-Arms.

## LIST OF OFFICERS.

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## MEMBERS OF ASSEMBLY.

C. P. BERRY ..... Speaker.

NAME.	COUNTIES REPRESENTED.
Abbott, C. S.	Monterey.
Adams, W. S.	Kern and Tulare.
Allen, Charles D.	Marin.
Anderson, W. F.	San Francisco.
Asmussen, A.	San Francisco.
Ames, J. P.	San Mateo.
Brooks, Max.	Butte.
Blackwell, S. L.	Nevada.
Breon, J. F.	San Benito.
Berry, C. P.	Sutter.
Byington, Lewis	Sierra.
Barstow, George	San Francisco.
Blake, Seth B.	San Francisco.
Broderick, William	San Francisco.
Backus, Samuel W.	San Francisco.
Clark, J. E.	Santa Clara.
Coffey, James V.	San Francisco.
Conroy, M. C.	San Francisco.
Connolly, James E.	San Francisco.
Cooley, C. H.	Sonoma.
Dixon, M. W.	Alameda.
Dunlap, Thomas	Amador.
Dorsey, Caleb	Stanislaus.
Dare, John T.	Solano.
DeWitt, W. M.	Yolo.
Dinnione, John H.	San Francisco.
Ellis, Asa	Los Angeles.
Ewing, Andrew	Mariposa and Merced.
Farnum, John E.	Alameda.
Forsyth, W. K.	San Francisco.
Garvar, Michael	Nevada.
Giffen, George W.	Nevada.
Griffith, A. J.	San Francisco.
Gough, Charles H.	San Francisco.
Gildea, Charles	San Francisco.
Hart, T. J.	Colusa and Tehama.
Holloway, J. B.	Los Angeles.
Haile, R. C.	Solano.
Hinsbaw, E. C.	Sonoma.
Hanna, William	Santa Clara.
Hugg, B. P.	Yuba.
Hicks, John A.	San Francisco.
Haworth, James	San Francisco.
Johnson, Grove L.	Sacramento.
Kercheval, Reuben	Sacramento.
Ludgate, Robert†	Amador.
Long, L. F.	Mendocino.
McClure, R. A.	Alameda.
Murphy, J. E. (Speaker pro tem.)	Del Norte.
Miller, J. H.	El Dorado.
Mace, R. P.	Fresno.
Mayfield, J. M.	Napa.
McComas, Rush	Santa Clara.
Meyers, Samuel	San Joaquin.
Montague, J. C.	Shasta and Trinity.
May, W. B.	San Francisco.
Murphy, R. W.	San Francisco.
Moffat, S. P.	Inyo and Mono.
Nealley, Gilbert L.	Butte.
Nott, S. A.	Alpine and El Dorado.
Ostrom, D. A.	Yuba.

\* Filled vacancy caused by death of O. W. Upton. † Died during the session.

## LIST OF OFFICERS.

## MEMBERS OF ASSEMBLY—Continued.

NAME.	COUNTIES REPRESENTED.
Pauly, Fred. N.	San Diego.
Pace, George	Santa Cruz.
Russ, Joseph	Humboldt.
Routier, Joseph	Sacramento.
Robertson, P. C.	Siskiyou and Modoc.
Sargent, R. C.	San Joaquin.
Sherman, Caleb	Santa Barbara and Ventura.
Smyth, Edward	Tuolumne.
Swift, John F.	San Francisco.
Tuttle, B. F.	Sonoma.
Thompson, R. B.	San Joaquin.
Tobin, J. J.	San Francisco.
Upton, C. W.	Santa Clara.
Warden, L. M.	San Luis Obispo.
Waters, Byron	San Bernardino.
Welch, S. K.	Lake.
Wheat, A. R.	Calaveras.
Whitlock, J. H.	Lassen and Plumas.
Wilson, M. W.	Placer.
Young, Albert J.	Contra Costa.

\*Died during the session.

## OFFICERS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.
Robert C. Page	Chief Clerk.
William M. Ord	Assistant Clerk.
E. L. Crawford	Assistant Clerk.
James M. Farrelly	Sergeant-at-Arms.
P. J. Walsh	Assistant Sergeant-at-Arms.
A. J. Dobbins	Minute Clerk.
J. W. McCarthy	Assistant Minute Clerk.
James G. Underwood	Journal Clerk.
E. J. Haight	Engrossing Clerk.
John C. Morgan	Enrolling Clerk.
George D. Little	Clerk to Sergeant-at-Arms.
O. P. Fitzgerald	Chaplain.

# COMMISSIONERS OF DEEDS,

WITH NAME, RESIDENCE, DATE OF APPOINTMENT, AND DATE OF FILING  
OATH OF OFFICE.

Extract from Political Code, in regard to Commissioners of Deeds: "814. The official oaths of Commissioners of Deeds must be filed in the office of the Secretary of State within six months after they are taken." Commissioners hold office for four years.

## ALABAMA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
September 3, 1872.....	John C. Berry.....	Mobile .....	.....March 4, 1873.

## ARKANSAS.

May 11, 1875.....	J. H. Buttenfield.....	Russellville.....	.....
March 12, 1878.....	R. A. Watkins.....	Little Rock.....	.....

## ARIZONA.

July 25, 1874.....	H. P. Sontag.....	Yavapai City.....	.....January 4, 1875.
August 3, 1874.....	J. W. Clark.....	Tucson .....	.....January 11, 1875.
June 1, 1875.....	James P. Bull.....	Mineral Park.....	.....
June 5, 1875.....	Jerome H. Vaughn.....	McCracken's Hill.....	.....
February 25, 1876.....	Hugh Farley.....	Tucson .....	.....
August 23, 1876.....	W. D. Southworth.....	Prescott.....	.....
February 28, 1877.....	H. N. Alexander.....	Yuma .....	.....March 31, 1877.
May 26, 1877.....	Santiago Ainsa.....	Tucson .....	.....
August 8, 1877.....	Peter Doll.....	Ehrenburg.....	.....
January 15, 1878.....	Gustavus A. S. Wasey.....	Globe City .....	.....

## CONNECTICUT.

June 9, 1876.....	David G. Gordon.....	Hartford .....	.....November 3, 1876.
February 20, 1877.....	John C. Hollister.....	New Haven .....	.....March 26, 1877.
February 24, 1877.....	Edward Goodman.....	Hartford .....	.....
April 16, 1877.....	S. Arthur Marsden.....	New Haven.....	.....June 4, 1877.

## COMMISSIONERS OF DEEDS.

## COLORADO.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 13, 1877.....	E. Walden Brewster.....	Denver.....	.....

## DAKOTAH.

February 8, 1877.....	John M. Murphy.....	Deadwood City.....	.....
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## DISTRICT OF COLUMBIA.

April 1, 1875.....	George F. Graham.....	Washington.....	.....
June 9, 1876.....	Joseph T. K. Plant.....	Washington.....	.....
September 30, 1876.....	John C. Starkweather.....	Washington.....	.....

## FLORIDA.

October 2, 1875.....	Manuel C. Jordan.....	Jacksonville.....	.....
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## GEORGIA.

February 3, 1875.....	A. C. Glenn.....	Atlanta.....	.....
June 9, 1876.....	John W. Burroughs.....	Savannah.....	.....
July 19, 1877.....	Matt. R. Freeman.....	Macon.....	.....

## ILLINOIS.

June 19, 1876.....	S. S. Willard.....	Chicago.....	.....
August 17, 1877.....	P. A. Hoyne.....	Chicago.....	.....
May 8, 1874.....	Charles Knobelsdorff.....	Chicago.....	June 18, 1874.
November 27, 1875.....	A. L. Wilderman.....	Belleville.....	.....
June 9, 1876.....	Simcon W. King.....	Chicago.....	July 6, 1876.

## KENTUCKY.

January 29, 1875.....	R. H. Thompson.....	Louisville.....	.....
February 25, 1876.....	Harry Stucky.....	Louisville.....	April 4, 1876.

## LOUISIANA.

March 9, 1876.....	Alf. Ingraham.....	New Orleans.....	.....
December 22, 1877.....	J. G. Eustis.....	New Orleans.....	.....

## MAINE.

August 17, 1874.....	James O'Donnell.....	Portland.....	September 21, 1874.
September 24, 1875.....	Winfield S. Choate.....	Augusta.....	.....

## COMMISSIONERS OF DEEDS.

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## MARYLAND.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
July 7, 1874.....	W. B. Hill.....	Baltimore.....	September 7, 1874.
June 9, 1876.....	Joseph T. Atkinson.....	Baltimore.....	July 20, 1876.
August 23, 1876.....	James S. Key.....	Baltimore.....	.....
August 23, 1876.....	Murray Hanson.....	Baltimore.....	January 13, 1877.
January 15, 1878.....	Ph. H. Hoffinan.....	Baltimore.....	January 19, 1878.
March 12, 1878.....	George T. Beall, Jr.....	Baltimore.....	.....
March 18, 1878.....	John D. Lipscomb.....	Baltimore.....	.....

## MASSACHUSETTS.

February 8, 1877.....	Edward J. Jones.....	Boston.....	.....
November 8, 1877.....	James B. Bell.....	Boston.....	November 23, 1877.
March 19, 1878.....	Samuel Jennison.....	Boston.....	.....
July 6, 1874.....	Joseph B. Braman.....	Boston.....	December 19, 1874.
July 9, 1874.....	R. M. Thompson.....	Boston.....	.....
November 3, 1874.....	L. W. Kelley.....	Salem.....	January 30, 1875.
January 7, 1875.....	George T. Angell.....	Boston.....	February 19, 1875.
May 26, 1875.....	J. Henry Hill.....	Worcester.....	September 23, 1875.
February 1, 1877.....	James W. Chapman.....	Boston.....	.....
May 16, 1877.....	Alonzo V. Linde.....	Boston.....	.....

## MISSOURI.

August 10, 1874.....	William A. Clark.....	St. Louis.....	.....
August 25, 1874.....	J. S. Garland.....	St. Louis.....	October 1, 1874.
September 28, 1874.....	Angus Cameron.....	St. Louis.....	.....
December 23, 1876.....	John W. Hodgkin.....	St. Louis.....	January 3, 1877.

## NEW HAMPSHIRE.

February 17, 1875.....	William H. Hackett.....	Portsmouth.....	March 10, 1875.
April 28, 1876.....	George Y. Sawyer.....	Nashua.....	May 8, 1876.

## NEW JERSEY

December 31, 1877.....	Henry J. Stratemeyer.....	Elizabeth City.....	January 10, 1878.
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## NEW YORK.

June 18, 1874.....	F. R. Anderson.....	New York City.....	July 7, 1874.
June 22, 1874.....	I. Spencer Smith.....	New York City.....	.....
June 22, 1874.....	N. E. Monroe.....	New York City.....	.....
June 22, 1874.....	M. J. Merchant.....	New York City.....	November 6, 1874.
July 7, 1874.....	George W. Colles.....	New York City.....	September 14, 1874.
July 25, 1874.....	R. B. Martin.....	New York City.....	August 14, 1874.
July 25, 1874.....	W. R. Darling.....	New York City.....	.....
September 3, 1874.....	Edward Webster.....	Rochester.....	August 21, 1874.
December 23, 1874.....	E. F. Weeks.....	New York City.....	.....
January 12, 1875.....	I. W. Lawton.....	New York City.....	January 22, 1875.
January 26, 1875.....	Charles Nettleton.....	New York City.....	March 18, 1875.
February 3, 1875.....	D. L. Holmes.....	New York City.....	.....
March 25, 1875.....	Charles W. Anderson.....	New York City.....	.....
April 14, 1875.....	Jacob Du Bois.....	New York City.....	June 15, 1875.

## COMMISSIONERS OF DEEDS.

## NEW YORK—Continued.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
April 14, 1875	Ole H. Holberg	New York City	
May 3, 1875	George Chesebro	New York City	
June 25, 1875	Edward C. Black	New York City	
June 25, 1875	Abe B. Coleman	New York City	
August 3, 1875	Lyman B. Perkins	Buffalo	
August 28, 1875	P. A. Hegeman	New York City	
September 10, 1875	S. R. Goodale	New York City	
September 13, 1875	Eleazer Jackson	New York City	June 10, 1875.
October 19, 1875	George R. Jaques	New York City	November 22, 1875.
November 3, 1875	William B. Browning	New York City	May 4, 1876.
November 27, 1875	Thomas L. Carpenter	New York City	
December 1, 1875	Walter H. Martin	New York City	
December 6, 1875	Joseph B. Nones	New York City	December 20, 1875.
February 15, 1875	George W. Sill	Rochester	
March 2, 1876	George E. Epple	New York City	
March 6, 1876	Richard M. Burns	New York City	May 6, 1876.
March 13, 1876	Henry C. Banks	New York City	April 1, 1876.
June 9, 1876	Charles H. Smith	New York City	
June 9, 1876	John H. Comer	New York City	
June 9, 1876	William H. Clarkson	New York City	
June 9, 1876	Thomas Kilvert	New York City	
June 9, 1876	Moses B. Maclay	New York City	September 13, 1876.
June 9, 1876	John Eadie	New York City	August 5, 1876.
February 2, 1877	Jacob Shady	New York City	March 26, 1877.
February 8, 1877	Rufus K. McHarg	New York City	March 21, 1877.
March 26, 1877	O. P. C. Billings	New York City	April 30, 1877.
April 7, 1877	Henry Bischoff	New York City	April 30, 1877.
April 16, 1877	Wm. Edwin Osborn	Brooklyn	May 2, 1877.
May 16, 1877	William H. Bowers	New York City	July 23, 1877.
May 16, 1877	George W. Brown	New York City	June 19, 1877.
July 5, 1877	Elisha E. Lombard	Brooklyn	August 9, 1877.
October 9, 1877	F. P. Burke	New York City	November 7, 1877.
October 22, 1877	Edwin F. Corey	New York City	
December 6, 1877	George W. Elwood	Rochester	December 29, 1877.
December 11, 1877	N. Pendleton Schenck	New York City	May 9, 1878.
February 11, 1878	Frank Saunders	New York City	
March 12, 1878	Monroe Crannell	Albany	
April 8, 1878	John A. Hillery	New York City	
April 13, 1878	Aug. Buckingham	New York City	

## NEVADA.

May 14, 1874	R. V. Dey	Virginia	
June 3, 1874	R. L. Thomas	Virginia	July 21, 1874.
July 7, 1874	A. L. Edwards	Virginia	December 6, 1875.
July 13, 1874	John W. Grier	Silver City	August 24, 1874.
September 10, 1874	Thomas Laspeyre	Eureka	January 21, 1875.
February 11, 1875	James Hay Smith	Gold Hill	August 9, 1875.
February 27, 1875	J. E. Dealy	Carson City	August 21, 1875.
December 7, 1875	Horace Wanzer	Virginia	
May 17, 1876	S. P. Seanecker	Virginia	December 23, 1876.
June 9, 1876	Louis A. Hanck	Hamilton	
June 9, 1876	E. B. Stonehill	Virginia	
February 13, 1877	E. Chenowith	Winnemucca	
May 28, 1877	George T. Gorman	Pioche	August 20, 1877.
August 8, 1877	H. H. Bicketts	Virginia	August 15, 1877.
October 3, 1877	Isaac N. Farwell	Aurora	November 1, 1877.
December 22, 1877	W. G. Hyde	Gold Hill	



# COMMISSIONERS OF DEEDS.

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## OHIO.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
May 19, 1874.....	Samuel Carpenter .....	Cincinnati .....	June 25, 1874.
July 7, 1874.....	George E. Pomeroy .....	Toledo .....	.....

## OREGON.

April 5, 1875.....	A. S. Gross.....	Portland.....	.....
June 8, 1875.....	George H. Jones.....	Salem.....	.....
July 8, 1875.....	Andrew J. Moses.....	Portland.....	.....
August 26, 1876.....	Joseph Simon.....	Portland.....	.....
April 16, 1877.....	O. F. Bell.....	Astoria.....	April 30, 1877.
October 3, 1877.....	W. J. Shipley.....	Portland.....	.....

## PENNSYLVANIA.

May 27, 1874.....	A. H. Morgan.....	Philadelphia.....	July 9, 1874.
July 25, 1874.....	F. H. Janvier.....	Philadelphia.....	September 3, 1874.
July 28, 1874.....	Samuel B. Huey.....	Philadelphia.....	.....
September 24, 1874.....	W. A. Holman.....	Pittsburgh.....	.....
October 5, 1874.....	Charles Chauncey.....	Philadelphia.....	March 4, 1875.
January 12, 1875.....	J. P. Diver.....	Philadelphia.....	January 29, 1875.
February 6, 1875.....	C. W. Carrigan.....	Philadelphia.....	.....
March 25, 1875.....	Kinley J. Tener.....	Philadelphia.....	June 4, 1875.
April 14, 1875.....	Benjamin F. Moore.....	Philadelphia.....	May 29, 1875.
May 3, 1875.....	Edw. Shippin.....	Philadelphia.....	.....
June 25, 1875.....	Ellwood Matlock.....	Philadelphia.....	.....
June 9, 1876.....	William F. Robb.....	Pittsburgh.....	June 26, 1876.
June 9, 1876.....	H. E. Hindmarsh.....	Philadelphia.....	July 14, 1876.
February 8, 1877.....	Frank C. Fallon.....	Philadelphia.....	.....
April 27, 1877.....	Henry Reed.....	Philadelphia.....	January 23, 1878.
April 27, 1877.....	William H. Myers.....	Philadelphia.....	July 30, 1877.
November 15, 1877.....	Thomas J. Hunt.....	Philadelphia.....	.....
February 25, 1878.....	Samuel L. Taylor.....	Philadelphia.....	.....
February 25, 1878.....	Henry E. Garsed.....	Philadelphia.....	May 4, 1878.

## RHODE ISLAND.

July 9, 1874.....	F. Brinley .....	Newport.....	.....
August 29, 1874.....	C. Rhodes.....	Providence.....	.....
March 12, 1878.....	John C. Pinkes.....	Providence.....	.....

## TEXAS.

June 9, 1875.....	R. D. Johnson.....	Galveston.....	.....
December 8, 1875.....	Benjamin L. Griffith.....	Dallas.....	.....

## UTAH.

February 16, 1875.....	Julia K. Sutherland.....	Salt Lake.....	.....
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COMMISSIONERS OF DEEDS.

WISCONSIN.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 2, 1877-----	Stephen F. Bishop---	Fon du Lac-----	-----

GREAT BRITAIN.

November 18, 1874-----	M. H. Jacobs-----	London-----	July 24, 1875.
June 9, 1876-----	John Lawlers-----	Dublin, Ireland-----	December 7, 1876.
March 19, 1878-----	William Grain-----	London-----	-----

CANADA.

May 28, 1877-----	Beverly Jones-----	Toronto, Prov. Ontario-----	August 7, 1877.
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SANDWICH ISLANDS.

Nov. 13, 1875-----	John H. Patty-----	Honolulu-----	-----
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CONSTITUTION  
OF THE  
STATE OF CALIFORNIA.



# CONSTITUTION OF THE STATE OF CALIFORNIA.

ADOPTED BY THE CONVENTION, OCTOBER TENTH, EIGHTEEN HUNDRED AND FORTY-NINE; RATIFIED BY THE PEOPLE, NOVEMBER THIRTEENTH, EIGHTEEN HUNDRED AND FORTY-NINE; PROCLAIMED DECEMBER TWENTIETH, EIGHTEEN HUNDRED AND FORTY-NINE; AND AMENDED EIGHTEEN HUNDRED AND SIXTY-TWO.

WE, The People of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

## ARTICLE I.

### DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right to alter or reform the same, whenever the public good may require it.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the presumption great.

SEC. 8. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature) unless on presentment or indictment of a Grand Jury; and in any trial in any Court whatever, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace; and in time of war no appropriation for a standing army shall be for a longer time than two years.

SEC. 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

SEC. 14. Representation shall be apportioned according to population.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 17. Foreigners who are or who may hereafter become bona fide residents of this State shall enjoy the same rights, in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

SEC. 18. Neither slavery, nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court.

SEC. 21. This enumeration of rights shall not be construed to impair or deny others retained by the people.

## ARTICLE II.

### RIGHT OF SUFFRAGE.

SECTION 1. Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Querétaro, on the thirteenth day of May, eighteen hundred and forty-eight, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law; *provided*, that nothing herein contained shall be construed to prevent the Legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage Indians, or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse or other asylum at public expense; nor while confined in any public prison.

SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 6. All elections by the people shall be by ballot.

## ARTICLE III.

### DISTRIBUTION OF POWERS.

SECTION 1. The powers of the Government of the State of California shall be divided into three separate departments—the Legislative, the Executive, and Judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

## ARTICLE IV.

### LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California, and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

SEC. 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days.—[Amended, 1862.]

SEC. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years.—[Amended, 1862.]

SEC. 4. Senators and members of Assembly shall be duly qualified electors in the respective counties and districts which they represent.

SEC. 5. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State, and of the county or district for which he shall be chosen, one year next before his election.—[Amended, 1862.]

SEC. 6. The number of Senators shall not be less than one-third, nor more than one-half, of that of the members of the Assembly; and at the first session of the Legislature after this section takes effect the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one-half shall be chosen biennially.—[Amended, 1862.]

SEC. 7. When the number of Senators is increased, they shall be apportioned by lot, so as to keep the two classes as nearly equal in number as possible.

SEC. 8. Each House shall choose its own officers, and judge of the qualifications, elections, and returns of its own members.

SEC. 9. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each House may provide.

SEC. 10. Each House shall determine the rule of its own proceedings, and may, with the concurrence of two-thirds of all the members elected, expel a member.

SEC. 11. Each House shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House on any question shall, at the desire of any three members present, be entered on the journal.

SEC. 12. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 13. When vacancies occur in either House, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

SEC. 14. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

SEC. 15. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 16. Any bill may originate in either House of the Legislature, and all bills passed by one House may be amended in the other.

SEC. 17. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it he shall sign it, but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the same upon the journal, and proceed to reconsider it. If, after such reconsideration, it again pass both Houses, by yeas and nays, by a majority of two-thirds of the members of each House present, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law, in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return.

SEC. 18. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Justices of the Supreme Court, and Judges of the District Court, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office, in such a manner as the Legislature may provide.

SEC. 20. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices as may be filled by election by the people.

SEC. 21. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; provided, that officers in the militia to which there is attached no annual salary, or local officers and Postmasters, whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

SEC. 22. No person who shall be convicted of the embezzlement or defalcation of the public funds of this State shall ever be eligible to any office of honor, trust, or profit, under this

State; and the Legislature shall, as soon as practicable, pass a law providing for the punishment of such embezzlement or defalcation as a felony.

SEC. 23. No money shall be drawn from the treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 24. The members of the Legislature shall receive for their services a compensation to be fixed by law, and paid out of the public treasury; but no increase of the compensation shall take effect during the term for which the members of either House shall have been elected.

SEC. 25. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title; and no law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be reenacted and published at length.

SEC. 26. No divorce shall be granted by the Legislature.

SEC. 27. No lottery shall be allowed by this State, nor shall the sale of lottery tickets be allowed.

SEC. 28. The enumeration of the inhabitants of this State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and these enumerations, together with the census that may be taken under the direction of the Congress of the United States, in the years one thousand eight hundred and fifty, and every subsequent ten years, shall serve as the basis of representation in both Houses of the Legislature.

SEC. 29. The number of Senators and members of Assembly shall, at the first session of the Legislature holden after the enumerations herein provided for are made, be fixed by the Legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants. The number of members of Assembly shall not be less than twenty-four, nor more than thirty-six, until the number of inhabitants within this State shall amount to one hundred thousand; and after that period in such ratio that the whole number of members of Assembly shall never be less than thirty, nor more than eighty.

SEC. 30. When a Congressional, Senatorial, or Assembly District shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county shall be divided, in forming a Congressional, Senatorial, or Assembly District, so as to attach one portion of a county to another county; but the Legislature may divide each county into as many Congressional, Senatorial, or Assembly Districts as such county may by apportionment be entitled to.—[Amended, 1862.]

SEC. 31. Corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes. All general laws and special Acts passed pursuant to this section may be altered from time to time, or repealed.

SEC. 32. Dues from corporations shall be secured by such individual liability of the corporations and other means as may be prescribed by law.

SEC. 33. The term corporations, as used in this Article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all Courts, in like cases as natural persons.

SEC. 34. The Legislature shall have no power to pass any Act granting any charter for banking purposes; but associations may be formed, under general laws, for the deposit of gold and silver; but no such associations shall make, issue, or put in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

SEC. 35. The Legislature of this State shall prohibit by law any person or persons, association, company, or corporation, from exercising the privileges of banking, or creating paper to circulate as money.

SEC. 36. Each stockholder of a corporation or joint stock association shall be individually and personally liable for his proportion of all its debts and liabilities.

SEC. 37. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

SEC. 38. In all elections by the Legislature, the members thereof shall vote  *viva voce* , and the votes shall be entered on the journal.

SEC. 39. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to Article Four by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended or superseded thereby, until the election and qualification of the several officers provided for in said amendments.—[Amended, 1862.]

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

SEC. 2. The Governor shall be elected by the qualified electors, at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday in December subsequent to his election, and until his successor is elected and qualified.—[Amended, 1862.]



SEC. 3. No person shall be eligible to the office of Governor (except at the first election) who has not been a citizen of the United States and a resident of this State two years next preceding the election, and attained the age of twenty-five years at the time of said election.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of said persons so having an equal and the highest number of votes, for Governor.

SEC. 5. The Governor shall be Commander-in-Chief of the militia, the army, and navy of this State.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

SEC. 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United States or this State, exercise the office of Governor, except as hereinafter expressly provided.

SEC. 13. The Governor shall have the power to grant reprieves and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the pardon or reprieve.

SEC. 14. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

SEC. 15. All grants and commissions shall be in the name and by the authority of The People of the State of California, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 16. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor; and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled or the disability shall cease.

SEC. 17. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

SEC. 18. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.—[Amended, 1862.]

SEC. 19. The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive Departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article Five by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby, until the election and qualification of the several officers provided for in said amendments.—[Amended, 1862.]

SEC. 20. The Controller, Treasurer, Attorney-General, and Surveyor-General shall be chosen by joint vote of the two Houses of the Legislature, at their first session under this Con-

stitution, and thereafter shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor.

SEC. 21. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall each, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected; but neither of these officers shall receive for his own use any fees for the performance of his official duties.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace, and in such Recorders' and other inferior Courts as the Legislature may establish in any incorporated city or town.—[Amended, 1862.]

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, excepting such business as may be done at Chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.—[Amended, 1862.]

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at special elections to be provided by law, at which elections no officer other than judicial shall be elected, except a Superintendent of Public Instruction. The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who, at their first meeting, shall so classify themselves by lot that one Justice shall go out of office every two years. The Justice having the shortest term to serve shall be the Chief Justice.—[Amended, 1862.]

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars; also, in all cases arising in the Probate Courts; and also in all criminal cases amounting to felony, on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Court, or any County Court in the State, or before any Judge of said Courts.—[Amended, 1862.]

SEC. 5. The State shall be divided, by the Legislature of eighteen hundred and sixty-three, into fourteen judicial districts, subject to such alteration, from time to time, by a two-thirds vote of all the members elected to both Houses, as the public good may require; in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the district, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The District Judges shall hold their offices for the term of six years from the first day of January next after their election. The Legislature shall have no power to grant leave of absence to a judicial officer; and any such officer who shall absent himself from the State for upwards of thirty consecutive days shall be deemed to have forfeited his office.—[Amended, 1862.]

SEC. 6. The District Courts shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars; and also in all criminal cases not otherwise provided for. The District Courts and their Judges shall have power to issue writs of habeas corpus, on petition by or on behalf of any person held in actual custody in their respective districts.—[Amended, 1862.]

SEC. 7. There shall be in each of the organized counties of the State, a County Court, for each of which a County Judge shall be elected by the qualified electors of the county, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The County Judges shall hold their offices for the term of four years from the first day of January next after their election. Said Courts shall also have power to issue naturalization papers. In the City and County of San Francisco, the Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years.—[Amended, 1862.]

SEC. 8. The County Courts shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for; and also such criminal cases arising in Courts held by Justices of the Peace and Recorders, and in such inferior Courts as may be established in pursuance of section one of this Article, in their respective counties. The County Judges shall also hold in their several counties Probate Courts, and perform such duties as Probate Judges as may be prescribed by law. The County Courts and their Judges

shall also have power to issue writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties.—[*Amended, 1862.*]

SEC. 9. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties, and responsibilities; *provided*, such powers shall not in any case trench upon the jurisdiction of the several Courts of record. The Supreme Court, the District Courts, County Courts, the Probate Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.—[*Amended, 1862.*]

SEC. 10. The Legislature shall fix by law the jurisdiction of any Recorder's or other inferior municipal Court which may be established in pursuance of section one of this Article, and shall fix by law the powers, duties, and responsibilities of the Judges thereof.—[*Amended, 1862.*]

SEC. 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensation. County Clerks shall be ex officio Clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment by the several District Courts of one or more Commissioners in the several counties of their respective districts, with authority to perform Chamber business of the Judges of the District Courts and County Courts, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by law.—[*Amended, 1862.*]

SEC. 12. The times and places of holding the terms of the several Courts of record shall be provided for by law.—[*Amended, 1862.*]

SEC. 13. No judicial officer, except Justices of the Peace, Recorders, and Commissioners, shall receive to his own use any fees or perquisites of office.—[*Amended, 1862.*]

SEC. 14. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.—[*Amended, 1862.*]

SEC. 15. The Justices of the Supreme Court, District Judges, and County Judges shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected: *provided*, that County Judges shall be paid out of the county treasury of their respective counties.—[*Amended, 1862.*]

SEC. 16. The Justices of the Supreme Court, and the District Judges, and the County Judges, shall be ineligible to any other office than a judicial office during the term for which they shall have been elected.—[*Amended, 1862.*]

SEC. 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.—[*Amended, 1862.*]

SEC. 18. The style of all process shall be: "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.—[*Amended, 1862.*]

SEC. 19. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article Six by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded thereby, nor shall the organization of the several Courts be changed thereby, until the election and qualification of the several officers provided for in said amendments.—[*Amended, 1862.*]

## ARTICLE VII.

### MILITIA.

SECTION 1. The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

SEC. 2. Officers of the militia shall be elected or appointed, in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

## ARTICLE VIII.

### STATE DEBTS.

SECTION 1. The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate, with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war, to repel invasion or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and, also, to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepayable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created; and such law shall

be published in at least one newspaper in each judicial district, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

## ARTICLE IX.

## EDUCATION.

SECTION 1. A Superintendent of Public Instruction shall, at the special election for judicial officers, to be held in the year eighteen hundred and sixty-three, and every four years thereafter, at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.—[Amended, 1862.]

SEC. 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

SEC. 3. The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each district at least three months in every year; and any school district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public fund during such neglect.

SEC. 4. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

## ARTICLE X.

## MODE OF AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the Constitution.

SEC. 2. And if, at any time, two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against a convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention, to be held within six months after the passage of such law; and such convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such convention shall be submitted to the people at a special election, to be provided for by law, for their ratification or rejection: each voter shall express his opinion by depositing in the ballot-box a ticket, whereon shall be written or printed the words "For the New Constitution," or "Against the New Constitution." The returns of such election shall, in such manner as the convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.—[Amended November 4, 1856.]

## ARTICLE XI.

## MISCELLANEOUS PROVISIONS.

SECTION 1. The first session of the Legislature shall be held at the Pueblo de San José, which place shall be the permanent seat of government until removed by law; *provided, however*, that two-thirds of all the members elected to each House of the Legislature shall concur in the passage of such law.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage, under this Constitution.

SEC. 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of — according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

SEC. 4. The Legislature shall establish a system of county and town governments, which shall be as nearly uniform as practicable throughout the State.

SEC. 5. The Legislature shall have power to provide for the election of a Board of Supervisors in each county; and these Supervisors shall, jointly and individually, perform such duties as may be prescribed by law.

SEC. 6. All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

SEC. 7. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office, not fixed by this Constitution, ever exceed four years.

SEC. 8. The fiscal year shall commence on the first day of July.

SEC. 9. Each county, town, city, and incorporated village shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

SEC. 10. The credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association, or corporation; nor shall the State, directly or indirectly, become a stockholder in any association or corporation.

SEC. 11. Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

SEC. 12. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 13. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law; but Assessors and Collectors of town, county, and State taxes shall be elected by the qualified electors of the district, county, or town in which the property taxed for State, county, or town purposes is situated.

SEC. 14. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 15. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

SEC. 16. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 17. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 18. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 19. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

SEC. 20. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 21. All laws, decrees, regulations, and provisions which, from their nature, require publication, shall be published in English and Spanish.

## ARTICLE XII.

### BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of forty-second degree of north latitude with the one hundred twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific Coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, all the islands, harbors, and bays along and adjacent to the Coast.

### SCHEDULE.

SECTION 1. All rights, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution and not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if the same had not been adopted.

SEC. 2. The Legislature shall provide for the removal of all causes which may be pending when this Constitution goes into effect, to Courts created by the same.

SEC. 3. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby, nor the laws relative to the duties of the several officers be changed, until the entering into office of the new officers to be appointed under this Constitution.

SEC. 4. The provisions of this Constitution concerning the term of residence necessary to enable persons to hold certain offices therein mentioned, shall not be held to apply to officers chosen by the people at the first election, or by the Legislature at its first session.

SEC. 5. Every citizen of California declared a legal voter by this Constitution, and every citizen of the United States a resident of this State on the day of election, shall be entitled to vote at the first general election under this Constitution, and on the question of the adoption thereof.

SEC. 6. This Constitution shall be submitted to the people, for their ratification or rejection, at the general election to be held on Tuesday, the thirteenth day of November next. The Executive of the existing Government of California is hereby requested to issue a proclamation to the people, directing the Prefects of the several districts, or, in case of vacancy, the Sub-Prefects, or Senior Judge of First Instance, to cause such election to be held on the day aforesaid, in their respective districts. The election shall be conducted in the manner which was prescribed for the election of delegates to this convention, except that the Prefects, Sub-Prefects, or Senior Judge of First Instance, ordering such election in each district, shall have power to designate any additional number of places for opening the polls, and that, in every place of holding the election, a regular poll list shall be kept by the Judges and Inspectors of Elections. It shall also be the duty of these Judges and Inspectors of Election, on the day aforesaid, to receive the vote of the electors qualified to vote at such election. Each voter shall express his opinion by depositing in the ballot-box a ticket whereon shall be written or printed "For the Constitution," or "Against the Constitution," or some such words as will distinctly convey the intention of the voter. These Judges and Inspectors shall also receive the votes for the several officers to be voted for at the said election as herein provided. At the close of the election the Judges and Inspectors shall carefully count each ballot and forthwith make duplicate returns thereof to the Prefect, Sub-Prefect, or Senior Judge of First Instance, as the case may be, of their respective districts; and said Prefect, Sub-Prefect, or Senior Judge of First Instance shall transmit one of the same, by the most safe and rapid conveyance, to the Secretary of State. Upon the receipt of said returns or on the tenth day of December next, if the returns be not sooner received, it shall be the duty of a Board of Canvassers, to consist of the Secretary of State, one of the Judges of the Superior Court, the Prefect, Judge of First Instance, and an Alcalde of the District of Monterey, or any three of the aforementioned officers, in the presence of all who shall choose to attend, to compare the votes given at said election, and to immediately publish an abstract of the same in one or more of the newspapers of California. And the Executive will also, immediately after ascertaining that the Constitution has been ratified by the people, make proclamation of the fact; and thenceforth this Constitution shall be ordained and established as the Constitution of California.

SEC. 7. If this Constitution shall be ratified by the people of California, the Executive of the existing government is hereby requested, immediately after the same shall be ascertained, in the manner herein directed, to cause a fair copy thereof to be forwarded to the President of the United States, in order that he may lay it before the Congress of the United States.

SEC. 8. At the general election aforesaid, viz.: the thirteenth day of November next, there shall be elected a Governor, Lieutenant-Governor, members of the Legislature, and also two members of Congress.

SEC. 9. If this Constitution shall be ratified by the people of California, the Legislature shall assemble at the seat of government on the fifteenth day of December next; and in order to complete the organization of that body, the Senate shall elect a President pro tempore until the Lieutenant-Governor shall be installed into office.

SEC. 10. On the organization of the Legislature, it shall be the duty of the Secretary of State to lay before each House a copy of the abstract made by the Board of Canvassers, and, if called for, the original returns of election, in order that each House may judge of the correctness of the report of said Board of Canvassers.

SEC. 11. The Legislature, at its first session, shall elect such officers as may be ordered by this Constitution to be elected by that body, and, within four days after its organization, proceed to elect two Senators to the Congress of the United States. But no law passed by this Legislature shall take effect until signed by the Governor after his installation into office.

SEC. 12. The Senators and Representatives of the Congress of the United States, elected by the Legislature and people of California, as herein directed, shall be furnished with certified copies of this Constitution, when ratified, which they shall lay before the Congress of the United States, requesting, in the name of the people of California, the admission of the State of California into the American Union.

SEC. 13. All officers of this State, other than members of the Legislature, shall be installed into office on the fifteenth day of December next, or as soon thereafter as practicable.

SEC. 14. Until the Legislature shall divide the State into counties and senatorial and assembly districts, as directed by this Constitution, the following shall be the apportionment of the two Houses of the Legislature, viz.: The Districts of San Diego and Los Angeles shall jointly elect two Senators; the Districts of San Barbara and San Luis Obispo shall jointly elect one Senator; the District of Monterey, one Senator; the District of San José, one Senator; the District of San Francisco, two Senators; the District of Sonoma, one Senator; the District of Sacramento, four Senators; and the District of San Joaquin, four Senators. And the District of San Diego shall elect one member of the Assembly; the District of Los Angeles, two members of Assembly; the District of Santa Barbara, two members of Assembly; the District of San Luis Obispo, one member of Assembly; the District of Monterey, two members of Assembly; the District of San José, three members of Assembly; the District of San Francisco, five members of Assembly; the District of Sonoma, two members of Assembly; the District of Sacramento, nine members of Assembly; and the District of San Joaquin, nine members of Assembly.

SEC. 15. Until the Legislature shall otherwise direct, in accordance with the provisions of this Constitution, the salary of the Governor shall be ten thousand dollars per annum; and the salary of the Lieutenant-Governor shall be double the pay of a State Senator; and the pay of members of the Legislature shall be sixteen dollars per diem while in attendance, and sixteen dollars for every twenty miles traveled by the usual route from their residences to the place of holding the session of the Legislature, and in returning therefrom. And the Legislature shall fix the salaries of all officers other than those elected by the people at the first election.

SEC. 16. The limitation of the powers of the Legislature contained in Article Eighth of this Constitution shall not extend to the first Legislature elected under the same, which is hereby authorized to negotiate for such amount as may be necessary to pay the expenses of the State Government.

WM. G. MARCY, Secretary.

JOSEPH ARAM,  
CH. T. BOTTS,  
ELAM BROWN,  
ELISHA O. CROSBY,  
JOSÉ M. COVARUBIAS,  
STEPHEN C. FOSTER,  
PABLO DE LA GUERRA,  
LEWIS DENT,  
KIMBALL H. DIMMICK,  
A. J. ELLIS,  
JOSÉ ANTO. CARRILLO,  
WM. M. GWIN,  
EDW. GILBERT,  
HENRY HILL,  
J. D. HOPPE,  
JOSEPH HOBSON,  
JULIAN HANKS,  
H. W. HALLECK,  
L. W. HASTINGS,  
J. McHENRY HOLLINGSWORTH,  
JAS. McHALL JONES,  
THOMAS O. LARKIN,  
FRANCIS J. LIPPITT,  
BENJ. S. LIPPINCOTT,

R. SEMPLE,  
President, and Delegate from Benicia.

BENJ. F. MOORE,  
RODMAN M. PRICE,  
JNO. McDOUGALL,  
MAN'L DOMINGUEZ,  
MYRON NORTON,  
PACIFICUS ORD,  
MIGUEL D. PEDRORENA,  
M. M. McCABER,  
ANTONIO M. PICO,  
JACINTO RODRIGUEZ,  
HUGH REID,  
J. A. SUTER,  
JACOB R. SNYDER,  
WINFIELD SCOTT SHERWOOD,  
WILLIAM E. SHANNON,  
ABEL STEARNS,  
P. SANSEVAIN,  
WM. M. STEUART,  
HENRY A. TEFFT,  
M. G. VALLEJO,  
THOS. L. VERMEULE,  
J. P. WALKER,  
O. M. WOZENCRAFT.





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# STATUTES.

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#### ERRATUM.

Chapter CCLII.—An Act to regulate the registration of voters, and to secure the purity of elections in the City and County of San Francisco (page 299, on the fourth and fifth lines of section three), the words "subject to confirmation by the Board of Election Commissioners" should be left out, not being in the enrolled law.

# STATUTES OF CALIFORNIA

PASSED AT THE

## TWENTY-SECOND SESSION OF THE LEGISLATURE.

---

CHAP. I.—*An Act to fix the time of holding the County Court of Del Norte County.*

[Approved December 20, 1877.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The regular terms of the County and Probate Courts, in and for the County of Del Norte, shall be held at the county seat of said county on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October in each year.

Terms of  
County and  
Probate  
Courts.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

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CHAP. II.—*An Act conferring certain powers on the Board of Supervisors of Mariposa County in employing special counsel in certain cases.*

[Approved December 21, 1877.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Mariposa County are hereby authorized to allow, and the Treasurer of said county to pay, the sum of five hundred dollars, for the purpose of procuring additional counsel to prosecute certain parties now under indictment for murder in said county.

Appropriation to pay  
special counsel to  
prosecute certain  
persons.

SEC. 2. This Act shall take effect immediately.

CHAP. III.—*An Act fixing the bonds of the County Treasurer of the County of Del Norte.*

[Approved December 21, 1877.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Exempt  
from pro-  
visions of  
Section 4122  
Political  
Code.

Penalty of  
bond of  
Treasurer.

SECTION 1. The County of Del Norte is hereby exempted from the provisions of section four thousand one hundred and twenty-two of the Political Code, as amended by the Act of the Legislature approved March thirtieth, eighteen hundred and seventy-four, so far as the same relates to the County Treasurer of the County of Del Norte. The official bond of the Treasurer of Del Norte County shall be in the penal sum of twenty thousand dollars.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. IV.—*An Act to repeal an Act entitled an Act to encourage the destruction of certain wild animals in the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa, and to provide for a bounty for the same, approved March twenty-ninth, one thousand eight hundred and seventy-six.*

[Approved December 21, 1877.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Repealing  
clause.

SECTION 1. An Act entitled an Act to encourage the destruction of certain wild animals in the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa, and to provide for a bounty for the same, approved March twenty-ninth, one thousand eight hundred and seventy-six, so far as the same applies to the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAP. V.—*An Act to ascertain and express the will of the people of the State of California upon the subject of Chinese immigration.*

[Approved December 21, 1877.]

WHEREAS, It is expedient that the wishes of the people of this State, upon the subject of Chinese immigration, should be unmistakably expressed, therefore,

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That thirty days prior to the next general or special State election the Governor shall issue his proclamation calling upon the electors to signify at said election their will as to the continuance or prohibition of Chinese immigration, by placing upon their ballots the words "For Chinese Immigration," or the words "Against Chinese Immigration;" and the Inspectors and the Judges of Election, at each and every poll in the State, shall ascertain and make returns of the number of votes cast "For Chinese Immigration" and the number of votes cast "Against Chinese Immigration," in like manner as other votes are required to be counted and returned, and an abstract thereof shall be transmitted by each County Clerk in the State to the Secretary of State, in the same manner that votes for State officers are now required to be transmitted.

Governor to issue proclamation to ascertain will of people in regard to Chinese immigration.

County Clerks to send abstract to Secretary of State.

SEC. 2. The Secretary of State shall make a complete abstract of the votes given at such election, and certify the same to the Governor.

Abstract to be made by Secretary of State.

SEC. 3. The Governor shall prepare a memorial from the people of the State of California, attested by the Secretary of State, with the great seal attached, setting forth in brief the question submitted to the electors and the vote thereon, and send copies thereof to the President and Vice-President of the United States, to each Cabinet Minister, Senator, member of the House of Representatives, and the Governor of each State and Territory.

Governor to prepare memorial and transmit same to President and other officers.

CHAP. VI.—*An Act giving control of the bridge across the Estuary of San Antonio, in the County of Alameda, to the Supervisors of said county.*

[Approved December 21, 1877.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the County of Alameda is hereby authorized and directed to take possession of, and hereafter cause to be maintained and repaired, the swing or draw-bridge across the Estuary of San Antonio,

Control of bridge.

Exemption  
of county  
from liability  
to pay certain  
bonds.

Shall ap-  
point a per-  
son to attend  
draw, and fix  
his compen-  
sation.

in the County of Alameda, known as the Webster Street bridge, and shall have authority and power to regulate the use and to provide for the control thereof; *provided*, that nothing herein contained shall make the said county liable, otherwise than heretofore, for the payment of the bonds issued for the payment of a portion of the original cost of said bridge, and for which certain property holders of the Town of Alameda were made liable.

SEC. 2. The said Board of Supervisors shall appoint a suitable person to attend the draw of said bridge, and to render such other services on said bridge as said Board may direct, and the said Board shall fix his compensation; *provided*, the same shall not exceed one hundred dollars per month. The expenses of such repairs and services shall be paid for out of the General Fund of said county.

SEC. 3. This Act shall take effect and be in force from and after its passage.

#### CHAP. VII.—*An Act relative to street repairs in the City and County of San Francisco.*

[Approved December 21, 1877.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Employ-  
ment of men  
for street  
work.

SECTION 1. The Superintendent of Public Streets, Highways, and Squares, of the City and County of San Francisco, is hereby authorized to employ, at such compensation as the Board of Supervisors may from time to time fix, not to exceed one hundred men, and not to exceed twenty-five horses and carts, to perform the work of ordinary repairs on accepted public streets and on those parts of the water front of said city and county upon which street work done is not by law assessable upon private property, and to perform all ordinary repairs upon brick and pipe sewers in unaccepted streets in said city and county, and such other work on the public streets, highways, and squares, as the Board of Supervisors may direct.

Purchase of  
materials.

SEC. 2. Upon the requisition of the Superintendent of Public Streets and Highways the Board of Supervisors may purchase, or authorize said Superintendent to purchase, from the lowest bidder (offering adequate security), all materials required to be used in such repairs. All moneys expended under this Act shall be allowed and paid out of the Street Department funds.

Superin-  
tendent to  
take charge  
of materials.

SEC. 3. The Superintendent of Public Streets, Highways, and Squares, shall take charge of and protect all materials belonging to the Street Department, use it for repairs, or make such disposition of the same as the Board of Supervisors may direct.

SEC. 4. In case of urgent necessity the Board of Supervisors may authorize the employment by the Superintendent

of Streets of such additional men, horses, and carts, for the purpose of the work mentioned in this Act, as in the judgment of the Board may be expedient, and all moneys expended under this Act shall be allowed and paid out of the Street Department funds.

Board may authorize employment of additional men.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. VIII.—*An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.*

[Approved December 21, 1877.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered to appropriate, allow, and order paid out of the General Fund, the sum of ten thousand dollars for the improvement of "Golden Gate Park," the same to be expended in such manner as the Board of Park Commissioners shall direct.

Authorizing Board to appropriate money for Park improvements.

SEC. 2. The Park Commissioners, mentioned in section one of this Act, are hereby authorized to employ a Secretary, at a monthly salary of not exceeding one hundred dollars per month, payable out of the Park Improvement Fund; also to rent an office for the transaction of their business, at an expense of not exceeding fifty dollars per month.

Commissioners to employ Secretary.

SEC. 3. The Auditor of said city and county is directed to audit, and the Treasurer of said city and county to pay, upon the order of the Board of Supervisors, the several sums hereinbefore mentioned for the purposes specified.

SEC. 4. This Act shall take effect immediately.

CHAP. IX.—*An Act to legalize and validate the assessment and assessment roll for State and county taxes, in the County of Sutter, for the fiscal year commencing in March, eighteen hundred and seventy-seven.*

[Approved December 21, 1877.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The assessment of all property made by the County Assessor in and for the County of Sutter, in the State of California, for State, county, or other purposes, for

Legalizing and validating assessment and assessment roll.

the fiscal year commencing in March, eighteen hundred and seventy-seven, is hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the persons and property assessed; and no want of description, or wrong description, informality, or irregularity in the description of property or persons assessed upon the assessment roll of said county for said year, or want of separate valuation thereon, shall invalidate said assessment or assessment roll, or any part of either.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. X.—*An Act relative to highways in Los Angeles County.*

[Approved December 25, 1877.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Highways,  
how defined.

SECTION 1. Highways are roads, streets, or alleys, and bridges, laid out or erected by the public, or if laid out or erected by others and dedicated or abandoned to the public, or conceded to the public by five years' general use.

Concession  
of roads as  
highways.

SEC. 2. All roads shall be conceded as public highways which have been used as such for five years, or which may hereafter be used for five years by the public in general, without being notified or molested by the owners or claimants of land or their agents. And the Board of Supervisors may, at any time thereafter, cause said roads to be properly located and declared as public or county roads, without any compensation to the owners of lands over which said roads pass.

Question-  
able location  
of roads, how  
decided.

SEC. 3. When a question arises involving the exact location of any road (not having been previously located, or surveyed, or defined), the middle or center of the ground usually traveled shall be decided to be the center of the true location; *provided*, where different owners of lands join on the road, the said line shall be the center of the road, unless said line is impracticable.

SEC. 4. Roads laid out as provided in sections one, two, and three of this Act, shall not be vacated, or cease to be a highway, until so ordered by the Board of Supervisors.

Duty of  
Clerk of  
Board of  
Supervisors.

SEC. 5. The Clerk of the Board of Supervisors must keep a book in which must be recorded, separately, all proceedings of the Board relative to each road district, including orders laying out, altering, and opening roads; and in a separate book a description of each road district, its Overseers, its roads, highways, contracts, and all other matters pertaining thereto.

SEC. 6. By taking or accepting land for a highway, the public only acquire the right of way and the incidents necessary to enjoy and maintain it, subject to the regulation of this Act and the Civil Code.



SEC. 7. Any owner or occupant of land may construct a sidewalk on the highway along the line of his land, subject, however, to the authority conferred by the law on the Board of Supervisors and the Overseers of Highways, and any person using such sidewalk with horse or team, without the permission of the owner, is liable to such owner or occupant in the sum of five dollars (\$5) for such trespass, and for all damages suffered thereby.

Construction of sidewalks.

SEC. 8. Any owner or occupant of land adjoining a highway, not less than three rods wide, may plant trees on the side contiguous to his land. They must be set in rows at a distance of at least six feet from each other, and not more than six feet from the boundary of the highway. If the highway is more than six rods wide, the row must not be less than six nor more than twelve feet from the boundary of the highway.

Planting of trees.

SEC. 9. Every gas, water, or railroad corporation has power to lay conductors and tracks through the public highways and squares in this county, when they are established, with the consent of the proper authorities thereof, and under such reasonable regulations as the authorities and the law prescribes.

Corporations may lay conductors and tracks.

SEC. 10. The cases and manner in which railroad, plank road, turnpike, and common wagon road corporations may acquire a right of way upon the public highways are provided for in the Political Code, and in Title Seven, Part Third, of the Code of Civil Procedure, and under title Corporations of Civil Code.

Provisions of Political Code.

SEC. 11. Each Supervisor District of Los Angeles County shall constitute a highway district, and the Supervisor of said district shall be ex officio Commissioner of Highways of his own district, and shall receive the same compensation for services rendered under this Act as are allowed him for the other duties of his office as Supervisor.

Highway districts.

Commissioner of same.

SEC. 12. The Commissioner of Highways must (subject to the modifications and approval of the Board of Supervisors)—

Duties of Commissioner.

*First*—Divide his district into a suitable and convenient number of road districts, and appoint in each year therefor, annually, on the first Monday in March, or whenever vacancies occur, Road Overseers, upon petition of a majority of the property taxpayers of the road district, with power to remove them for cause.

*Second*—Cause to be surveyed, viewed, laid out, recorded, opened, and worked such highways as are necessary for the convenience of the public, as in this Act provided.

*Third*—Abolish or abandon such as are unnecessary.

*Fourth*—Contract, agree for, purchase, or otherwise acquire the right of way over any property for the use of public highways, and for that purpose institute, or require the District Attorney to institute, proceedings under Title Seven, Part Three, of the Code of Civil Procedure, and to pay therefor from the District Road Fund of that particular district.

*Fifth*—Let out by contract the improvement of highways and the construction and repairs of bridges or other adjuncts

Duties of  
Commissioner.

to highways, when the amount of work to be done by contract exceeds three hundred dollars.

*Sixth*—Recommend the amount of a property tax to be levied each year in his district.

*Seventh*—Order the Road Overseers specially in regard to the work to be done on particular roads in their districts.

*Eighth*—Cause to be erected and maintained on the highways he may designate, mile-stones or posts, and guide-posts, properly inscribed.

*Ninth*—Cause the road tax collected each year to be appointed to the road districts entitled thereto, and keep an account of each Road District Fund separately.

*Tenth*—Audit all accounts on the funds of his respective road district, when required to pay for the right of way, work, or improvements thereon.

*Eleventh*—Furnish each Road Overseer in his district a copy of this law.

Road districts to be distinctly defined.

District Supervisors may modify same.

SEC. 13. The road districts must be carefully and distinctly defined and described, and designated by the municipal towns, or township, or precinct lines. Until such division is made, the road districts must continue as they are at present defined. Road districts may be altered, changed, created, or modified by the District Supervisors as occasion requires; and upon petition of a majority of land owners in any precinct or school district, he may constitute such precinct or school district a road district.

Notice of appointment, oath, and bond of Overseers.

SEC. 14. Overseers of road districts must receive notice of their appointment from the Clerk of the Board of Supervisors, and within ten days thereafter must give the official bond required by the Board of Supervisors in the order of appointment or confirmation, and take the usual oath of office. The notice and certificate that the bond has been filed, and the oath taken and indorsed thereon, or a certified copy thereof, constitutes a commission, and authorizes the person named in and holding the same to discharge the duties of Overseer for one year, or until superseded.

Duties of Overseers.

SEC. 15. Road Overseers, under the direction and supervision and pursuant to the orders of District Supervisors appointing them, must:

*First*—Take charge of the public highways within their respective districts.

*Second*—Keep them clear from obstructions, and in good repair.

*Third*—Cause banks to be graded, bridges and causeways to be made where necessary, and keep the same in good repair, and renew them when destroyed.

*Fourth*—Give two days' notice to the inhabitants of his road district, liable to do work on roads, when, where, with what implements, and under whose direction to work.

*Fifth*—Receive and present petitions for new roads or the alteration of roads in his district, and recommend or disapprove the same, and assist in laying them out.

*Sixth*—Collect from each inhabitant notified to work and who fail to work, all road poll tax for which he has become

liable therefor, and faithfully account for and pay over the same to the county treasury, into the fund of the district entitled thereto, taking the Treasurer's receipt for the same, and a duplicate, to be given to his District Commissioner of Highways; and for the services rendered in the collection of said road poll tax, shall receive the sum of fifteen per cent.

SEC. 16. Every Road Overseer must make to the District Supervisor semi-annually, on the first Monday of September and March of each year, a written report, under oath, containing:

*First*—The names of all persons in his district who have paid road poll tax, and the amount paid by each, and whether in coin or labor.

*Second*—The names of all delinquents, and amount due from each.

*Third*—A full return, by items, of the amount of labor, and the names of persons laboring, and the amount of money expended at each separate point, and the manner in which and the time the same was done, and a full account of all tools and materials in their possession belonging to the district or county.

*Fourth*—The number of road poll tax receipts received, sold, and returned by him unsold.

*Fifth*—An accurate account of every day he himself was employed, and the nature and items of service rendered.

*Sixth*—Receive for his services, from money belonging to his road district, the sum of three dollars for each day's service rendered by him, not to exceed three hundred dollars per annum, to be audited and ordered paid by the Board of Supervisors.

SEC. 17. The Road Overseers must accompany their reports with all unexpended moneys remaining in their hands at the date of their reports, and show the Treasurer's receipt for all moneys collected by them during the past year, and a certificate from the Clerk of the Board of Supervisors that he is clear on the Clerk's books for road poll tax receipts.

SEC. 18. A failure to make a report as required, or to pay over any moneys remaining in his hands, subjects the Overseer to a penalty of twenty-five dollars, to be recovered in an action on his bond, together with any balance due from him. Suit therefor may be instituted by the District Attorney, under an order from the Commissioner of Highways of his district.

SEC. 19. The Road Overseer must, from time to time, add to the list the names of persons liable for road poll tax in his road district, who may have been at first omitted, or who have become inhabitants of his road district since the original list was made, and enforce or collect the road poll tax, and apply the same as hereinafter provided.

SEC. 20. Every male inhabitant of said county, except inhabitants of cities and incorporated towns, between the ages of twenty-one and fifty years, shall pay, annually, a road poll tax of two (2) dollars in coin, or two days' labor for high-

way purposes, provided the same is paid before the first day of July in each year, but if not paid before said day it shall be three dollars in coin.

Employers  
liable.

SEC. 21. Every person or corporation indebted to one in his employ subject to road poll tax shall, upon demand, pay said poll tax to the Overseer of Highways, and shall become liable therefor after service upon him, in writing, of a notice by the Road Overseer, stating the name of such person, and a receipt of such road poll tax from the Overseer shall be conclusive evidence of credit to the employer against the employé.

SEC. 22. Every person authorized to draw warrants or pay the salary or fee of any delinquent person, or managing agent of any person, corporation, or company, is the debtor of such delinquent person within the meaning of the preceding section.

Failure to  
pay road poll  
tax, how  
satisfied.

SEC. 23. Every person who refuses or neglects, upon demand by the Road Overseer, to pay a road poll tax, is delinquent, and the Overseer must (except when real estate is liable therefor) collect by seizure and sale of any debts due or personal property owned by such delinquent. The sale must be at public auction, and at any time after three hours' verbal notice of time and place, and must be of a sufficient amount to pay the road poll tax and costs.

SEC. 24. For seizing and selling, or collecting without sale after seizing, the Road Overseer may charge in each case the sum of three dollars, and the same mileage as is allowed by law to the Sheriff of the county.

Bill of sale.

SEC. 25. On payment of the price bid for any property sold, and the delivery thereof with a bill of sale, vests the title thereof in the purchaser.

Overseers to  
deliver re-  
ceipts.

SEC. 26. The Overseer must deliver the road tax receipts, filled out with the name of the person owing the taxes, to the purchaser of property at such sale, or to whatever person may pay the tax. The receipt as delivered shall be conclusive evidence of credit to said amount.

Misde-  
meanor.

SEC. 27. Every person who, when requested by the Overseer, neglects or refuses to give to such Overseer his name, or the true name and residence of each man in his employment or under his supervision or control, in any way subject to road poll tax, or to give such Overseer access to the building or place where such men are employed, is guilty of a misdemeanor.

Annual  
property  
tax.

SEC. 28. The annual property tax for road purposes must be levied by the Board of Supervisors at their session when the tax is levied by them for county purposes, and must not exceed thirty cents on each one hundred dollars in value of taxable property. This property tax, when levied, must be annually assessed and collected by the same officers and in the same manner as the other State and county taxes are levied, and assessed, and collected, and turned over to the County Treasurer, to be kept in a separate fund for the use of the Supervisors' road districts from which it is respectively collected.

SEC. 29. From the property road tax collected from all

sources the Board of Supervisors may annually set apart a sum not exceeding twenty per cent. of the aggregate for general county road purposes, from which they may direct such costs to be paid as may be found necessary for such general road purposes, in which the inhabitants of all the districts are more or less interested. The object of the appropriation must be specified in each order made therefor. The Board shall have no power to create a debt on any Supervisor's road district in excess of ten per cent. on the estimated amount of the tax receipts from said district for the next ensuing year.

Fund for county road purposes.

SEC. 30. Upon a petition signed by a majority of persons liable to pay road poll tax of any kind, also of those owning a majority of taxable property in any road district, the Board of Supervisors, for the purpose of macadamizing the road of such district (but for no other purpose), may issue bond of the road district not exceeding in the aggregate five per cent. of the taxable property thereof. The bonds so issued shall bear interest at the rate of seven per cent. per annum, payable annually, and must be redeemed within five years from the date of issuance. The Board must also levy a tax annually, not exceeding one and one-eighth of one per cent., for the payment of interest and a part of the principal of such bonds until the entire amount of bonds issued are redeemed. The provisions of this section shall apply to any bonds heretofore issued for the purposes therein mentioned.

Board of Supervisors upon petition may issue bonds.

Redemption of same.

SEC. 31. The Clerk of the Board of Supervisors must, before the first Monday in January in each year, cause to be printed, respectively, two and three dollar blank road poll tax receipts of a sufficient amount for the use of Road Overseers of the county, and must, before the first Monday in January in each year, sign the two dollar receipts, and upon demand deliver each Road Overseer the number required in his district, charging him with the same; and before the first Monday of July in each year, sign the three dollar receipts, and deliver them to the Road Overseer in the same manner as the two dollar receipts; *provided*, the Overseer shall first return all the two dollar receipts in his possession which remain unsold, and the Overseer shall have credit for the same; also, the Treasurer's receipts, excluding the percentage and the amount sold. The style of such blanks must be changed each year.

Road poll tax receipts.

Must be changed annually.

SEC. 32. The County Assessor shall furnish annually to the County Treasurer a list of the amount of property in each Supervisor District which is subject to road tax, and to each Supervisor a correct list of names of all persons assessed and the amount of property assessed to each person in each road district of his Supervisor District.

Duty of County Assessor.

SEC. 33. Any ten inhabitants of a road district, taxable therein for road purposes, may petition (in writing) the District Commissioner of Highways or Board of Supervisors to alter or discontinue any road or lay out a new road therein. The petition must set forth and describe particularly the road to be abandoned, discontinued, altered, or constructed,

Petition for new or alteration of old road.

and the general route thereof, over what lands, and who the owners thereof are, whether the owners consent thereto, and if not, the probable cost of the right of way, the necessity for and the advantage of the proposed change.

Petitioners  
to give  
bonds.

SEC. 34. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the Board of Supervisors, in double the amount of probable cost of the viewing and laying out or altering of any road, conditional that the bondsmen will pay all the costs of viewing and surveying in case the prayer is not granted, and the road finally not opened.

Viewers.

SEC. 35. Upon petition being approved by the Supervisors and Road Overseer of the district, and filing such petition and bond, the Board of Supervisors must appoint three Viewers, one of whom must be a surveyor, to view and survey any proposed alteration of an old or opening of a new road, to be made in accordance with the description in the petition, and submit to the Board of Supervisors an estimate of the cost of the change, alteration, or opening, including the purchase of the "right of way," and their views of the necessity thereof.

Qualifica-  
tion and  
duty of  
Viewers.

SEC. 36. The Road Viewers must be disinterested citizens of the county, but not petitioners. They must be sworn to discharge their duties faithfully, must view and lay out the proposed alteration or new road over the most practicable route, ascertain whether the owners consent thereto, and the amount, if any, they claim or demand for the right of way over the same, estimate the actual damage to any land over which it passes, and the cost of any bridges or grading necessary, the necessity for and public convenience to be subserved by the road, and whether the opening thereof or the change therein proposed should be had.

Duties of  
Viewers.

SEC. 37. When the view and survey of the proposed alteration or new road is completed the Viewers must report to the Board of Supervisors:

*First*—The course, termini, length, and cost of construction of the proposed road.

*Second*—The estimate of damage to the owner of any land over which it is proposed to run the road.

*Third*—The names of land owners who consent to give the right of way, and their written consent thereto. Signing petition shall be considered a written consent to the right of way.

*Fourth*—The names of land owners who do not consent, and the amount of damage claimed by each.

*Fifth*—Such other facts bearing upon the subject of importance to be known by the Board of Supervisors.

SEC. 38. No report of Viewers must, by the Board of Supervisors, be approved which, without the consent of the owner and occupant, would have the effect to open a road:

*First*—Through an orchard of five years' growth.

*Second*—Through a garden or yard four years cultivated.

*Third*—Through buildings or fixtures, or erections for the purpose of residence, trade, or manufacture.

*Fourth*—Through inclosures necessary for the use or enjoyment of the buildings, fixtures, or erections; or

Duties of Viewers.

*Fifth*—Through inclosed or improved lands unless the Board of Supervisors are satisfied from personal examination and observation, or from the sworn statement of at least five residents of the road district, and that the opening of such road through such premises is a necessity, a great benefit, or a great convenience to a moiety of the inhabitants of the district.

SEC. 39. The Viewers must be paid three dollars each per day for their services, out of the Road Fund of the district through which the road passes, and the surveyor his legal fees for running out and mapping the road and making the plot and field notes, which must be filed, when required, before he receives his compensation.

Compensation of Viewers.

SEC. 40. The Board of Supervisors must, on the coming in of the report, fix a day for hearing the same, and notify the owners of land not consenting to give the right of way of the hearing, by having written notices served upon them personally, or upon the occupant or agent of the owner, or if neither, by posting notice at the most conspicuous place on the land, or left at the owner's, agent's, or occupant's residence ten days prior to the day fixed for the hearing, and must on the day fixed, or to which it may be postponed or adjourned, hear evidence and proof from all parties interested for and against the proposed alterations or new road, ascertain, and by order declare the amount of damage awarded to each non-consenting land owner, and declare the report of the Viewers to be approved or rejected.

Hearing of report.

SEC. 41. If the Board approve the report and there are no non-consenting land owners, the road must, by order, be declared a public highway, and the Road Overseer ordered to open the same to the public. If there are non-consenting land owners the Board must appropriate from the Road Fund of the district, and cause the Road Overseer to tender in writing to each non-consenting land owner, the award for damages made by the Board. If the awards are all accepted the road must be declared a public highway, and be opened as before provided.

Approval of report and opening highway.

SEC. 42. If any award of damages is rejected by the land owners the Board must, by order, direct proceedings to procure the right of way to be instituted by the District Attorney of the county, under and as provided in Title Seven, Part Three, of the Code of Civil Procedure, against all non-accepting land owners, and when thereunder the right of way is procured, the road must be declared a public highway, and opened as hereinbefore provided. But if any non-consenting land owner does not recover a greater amount of damages than shall have been allowed him by the Board of Supervisors, then he shall pay all costs and expenses incurred by the reason of any suit or other proceedings instituted in the matter.

Rejection of award of damages.

SEC. 43. All awards by agreement, ascertainment, Board of Supervisors, or by the proper Court, must be paid out of the Road Fund of the district on the order of the Board of

Awards to be paid out of Road Fund.

Supervisors. If the road lies in more than one district, the Supervisors must proportionately divide the awards and other costs between them.

Width of  
highways.

SEC. 44. All public highways must be at least thirty-three feet wide, except those now existing of a less width.

Private  
roads.

SEC. 45. Private or by-roads may be opened for the convenience of one or more residents of any road district in the same manner as public roads are opened, whenever the Board of Supervisors may, for like cause, order the same to be viewed and opened; the person for whose benefit the same is required paying the damages awarded to land owners, and keeping the same in repair.

Certain  
papers to be  
made and  
filed in  
Recorder's  
office.

SEC. 46. In all cases where consent to use the right of way for a highway for five years' general use, or is voluntarily given, purchased or condemned, and paid for, either an instrument in writing conveying the right of way and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the order of the Board of Supervisors declaring it a highway by statute of limitation, or of the decree of the Court condemning the same, must be made, filed and recorded in the office of the Recorder of the county, in which the lands so conveyed or condemned must be particularly described.

Railroad,  
canal, and  
ditch cross-  
ings.

SEC. 47. Whenever highways are laid out to cross railroad, canals, or ditches, the owners or corporations using the same must, at their own expense, so prepare their roads, canals, or ditches that the public highway may cross the same without danger or delay, and when the right of way for a public highway (through the judgment of any Court) over any railroad, canal, or ditch, no damages must be awarded for the simple right to cross the same.

Removal of  
fences.

SEC. 48. When the alteration of an old or the opening of a new road makes it necessary to remove fences on lands given, purchased, or condemned by order of a Court for road or highway purposes, notice to remove the fence must be given by the Road Overseer to the owner, his occupant, or agent, and if the same is not done within ten days thereafter, or commenced and prosecuted as speedily as possible, the Road Overseer may cause it to be carefully removed at the expense of the owner, and recover of him the cost of such removal.

Cost of same.

SEC. 49. All public bridges, not otherwise specially provided for, are maintained by the road district in which they are situated and the districts which they unite.

Bridge ex-  
pense, how  
paid.

SEC. 50. Whenever it appears to the Board of Supervisors that any road district is or would be unreasonably burdened by the expense of construction, maintenance, and repair of any bridge, they may, in their discretion, cause a portion of the aggregate cost or expense to be paid out of the General Road Fund of the county, or out of the General County Fund, or both, or they may cause a special bridge tax to be levied therefor, not exceeding one-fourth of one per cent. on the taxable property of the county, annually, until the amount appropriated in aid is raised and paid.

SEC. 51. Bridges crossing the line between cities or towns



and road districts must be constructed by the cities or towns and the Road Fund of the road districts into which said bridges reach, proportionately; *provided*, that the Board of Supervisors may order the whole expense paid for repairing or constructing said bridges out of the General Road Fund of the county.

Bridges crossing lines.

SEC. 52. No bridge, the cost and construction and repairs of which will exceed the sum of three hundred dollars, must be constructed or repaired except on the order of the District Supervisor; when ordered to be constructed or repaired the contract therefor must be let out to the lowest responsible bidder, after reasonable notice being given by the order of the District Supervisor, through the Road Overseer, by the publication of at least two weeks in a county newspaper (except where immediate repairs are necessary), and if none, then by three posted notices, one at the Court-house, one at the point to be bridged, and one at some neighboring public place or post-office. The bids to be sealed, opened, and the contract to be awarded at the time specified in the notice. The contract and bond to perform it must be entered into and subject to the approval of the Board of Supervisors.

Construction and repair of bridges.

SEC. 53. If the Road Overseer of one road district, after five days' notice from the Overseer of an adjoining district to aid in the repair of a bridge in which each is interested, fails so to aid, the one giving notice may make the necessary repairs, and must be allowed a pro rata compensation therefor by the Board of Supervisors out of the Road Fund of the defaulting district.

Failure of Overseer to aid in repair.

SEC. 54. If the Overseer of any road district chargeable with the repair of a bridge fails to make the needed repairs, after being informed that the bridge is impassable or unsafe, and is requested to make the same by two or more freeholders, may represent the facts to the District Supervisors, who, upon being satisfied that the bridge is unsafe, must cause the same to be repaired, and must pay therefor from the funds of the districts chargeable therewith.

Failure to repair when necessary.

SEC. 55. When a bridge, the cost of which will exceed three hundred dollars, is necessary, five or more freeholders of the road districts interested therein may petition the Board of Supervisors for the erection of such needed bridge, and if the Board deem the same necessary, must thereupon advertise such application, give the location and other facts, for two weeks in a newspaper printed in the county; if none, then by posters, one at the proposed location, one at the Court-house, and one at some other public place in the county, and notify the Overseer to attend at a certain time and place to hear the applications.

Petition for bridge.

SEC. 56. On the day fixed to hear the application, proof of the notice given being satisfactory, the Board must hear the petition, examine witnesses, and determine whether or not a bridge is necessary as petitioned for. If found to be so, the Board must determine the character of bridge to be constructed, prepare plans and specifications, invite bids, let

Hearing of petition.

the contract, and have the same erected, and provide the payment therefor, as herein provided.

Road Overseers to give full account of bridges.

SEC. 57. Road Overseers must, in their official reports, give a full account of all bridges of which they have, in whole or in part, the charge and maintenance; those constructed or repaired, and the cost thereof; the amounts expended thereon, from what source derived, and the present and prospective condition thereof.

SEC. 58. Each Supervisor's District is responsible for providing and keeping passable, and in good condition and repair, bridges on all public highways.

Encroachments, how removed.

SEC. 59. If any highway duly laid out or erected is encroached upon by fences, buildings, or otherwise, the Road Overseer of the district may orally, or in writing, require the encroachment to be removed from the highway.

Same.

SEC. 60. Notice must be given to the occupant or owner of the land, or person causing or owning the encroachment, or left at his place of residence, if he resides in the county; if not, it must be posted on the encroachment, specifying the breadth of the highway, the place and extent of the encroachment, requiring him to remove the same within ten days.

Penalty for failure to remove encroachment.

SEC. 61. If the encroachment is not removed nor diligently prosecuted prior to the expiration of the ten days from the service or posting of the notice, the one who caused, or owns, or controls the encroachment, forfeits ten dollars for each day the same continue unmoved. If the encroachment is such as to effectually obstruct and prevent the use of the road for vehicles, the Overseer must forthwith remove the same.

Refusal to remove encroachment.

SEC. 62. If the encroachment is denied, and the owner, occupant, or person controlling the matter or thing charged with being an encroachment, refuses either to remove or permit the removal thereof, the Road Overseer must commence, in the proper Court, an action to abate the same as a nuisance, and if he recovers judgment he may, in addition to having the same abated, recover ten dollars for every day such nuisance remained after notice, and also his costs, in an action for that purpose.

Neglect to remove same.

SEC. 63. If the encroachment is not denied, but is not removed for five days after the notice is complete, the Road Overseer may remove the same at the expense of the owner, occupant, or person controlling the same, and recover his costs and expenses, as also for each day the same remained after notice was complete the sum of ten dollars, in an action for that purpose.

Ditches to be bridged.

SEC. 64. All persons excavating irrigating ditches across the public highways in said county are required to bridge said ditches at such crossings, and upon neglect to do so the Overseer of Highways for that road district shall construct the same and recover cost of construction of said person, by an action at law in his official name, before any Court of competent jurisdiction.

Damage by irrigation water.

SEC. 65. All persons who shall be irrigating lands, and shall permit the waste water to overflow the highways, shall, upon notification by the Overseer of Highways, repair the

damage occasioned by such overflow, and upon his neglect to do so forthwith, the Overseer of the district shall make such repair, and recover the expense thereof against such person or corporation by an action at law as provided in the previous section.

SEC. 66. No gates must be allowed on any public highway duly laid out, except on highways running through lands subject to overflow to such extent as to remove the fence. Where so allowed, they must be erected and maintained at the expense of the owner or occupant at whose request or for whose benefit they were erected. If such expense is not paid the gate must be removed as an obstruction. Gates on highways.

SEC. 67. Any one who leaves open such gate, or willfully or unnecessarily rides over such ground adjoining the road on which such gate is erected, forfeits to the injured party treble damages. Penalty for leaving gate open.

SEC. 68. Whoever obstructs or injures any highway, or obstructs or diverts any water-course thereon, is liable to a penalty of five dollars for each day such obstruction or injury remains, and must be punished as provided in section five hundred and eighty-three of the Penal Code. Obstruction of highway.

SEC. 69. Whoever removes or injures any mile-boards, or mile-stones, or guide-posts, or any inscriptions on such, erected on any highway, is liable to a penalty of ten dollars for every such offense, and punishable as provided in section five hundred and ninety of the Penal Code. Injuring guide-posts.

SEC. 70. Any person may notify the occupant or owner of any land, from which a tree or other obstruction has fallen upon any highway, to remove such tree or obstruction forthwith. If not so removed, the owner or occupant is liable to a penalty of one dollar for each day thereafter, until it is removed, and the cost of the removal. Obstruction on highways.

SEC. 71. Whoever cuts down a tree so that it falls into any highway must forthwith remove the same, and is liable to a penalty of five dollars for every day the same remains in such highway.

SEC. 72. Road Overseers may put upon bridges under their charge, notice that there is five dollars' fine for riding or driving on this bridge faster than a walk. Whoever thereafter rides or drives faster than a walk on such bridge is liable to pay a fine of five dollars for each offense. Notice on bridges.

SEC. 73. Whoever digs up, cuts down, or otherwise injures or destroys any shade or ornamental tree (unless the same may be deemed an obstruction by the Road Overseer, and removed under his directions), planted or standing in any highway, forfeits twenty-five dollars for each tree. Injuring trees on highways.

SEC. 74. All penalties and forfeitures given in this chapter, and not otherwise provided for, must be recovered by the Commissioner of Highways, or Road Overseers of the respective road districts, and to be applied on the highways in which they are collected. Penalties, etc., how removed.

SEC. 75. All Acts or parts of Acts in conflict with or contravening the provisions of this Act are hereby repealed.

SEC. 76. This Act shall take effect from and after its passage.

CHAP. XI.—*An Act to limit and fix the rates of fares on street railroads in cities and towns of more than one hundred thousand inhabitants.*

[Approved January 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Rates of fare  
of street  
railroads.

SECTION 1. No street railroad in any city or town of this State, with more than one hundred thousand inhabitants, shall be allowed to charge or collect a higher rate of fare than five cents for each passenger per trip of any distance in one direction, either going or coming, along any part of the whole length of the road or its connections.

Violation  
and forfeiture;  
causes  
of action  
maintained,  
and by  
whom.

SEC. 2. Every violation of the provisions of section one of this Act shall subject the owner or owners of the street railroad violating the same to a forfeiture to the person so unlawfully charged, or paying more than is therein allowed to be charged, the sum of two hundred and fifty dollars for each and every instance when such unlawful charge is made or collected, to be recovered by suit in any Court of competent jurisdiction; such causes of action shall be assignable, and the action may be maintained by the assignee in his own name, and several causes of action arising out of unlawful charges or collections from different persons may be vested in the assignee and united in the same action.

SEC. 3. This Act shall be in force from its passage.

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CHAP. XII.—*An Act to amend an Act entitled "An Act in relation to roads and highways in the County of Butte," approved April third, eighteen hundred and seventy-six.*

[Approved January 7, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Road Overseers,  
how  
elected.

SECTION 1. Section two of said Act is hereby amended so as to read as follows: Section 2. The Road Overseers in the County of Butte shall be elected by the qualified electors of their respective road districts in said county, at the general election to be held in September, one thousand eight hundred and seventy-nine, and at each general election held every two years thereafter. The term of office of said Road Overseers shall be two years from the first Monday of January next ensuing the election. The said Board of Supervisors shall have power to fill all vacancies occurring in the office of District Road Overseer by resignation, death, or otherwise; said appointees to hold office until their successors are elected and qualified; *provided*, the Road Overseers elected at the last general State election shall continue in

Power of  
Board of  
Supervisors

office until the first Monday of January, one thousand eight hundred and eighty.

SEC. 2. Section three of said Act is hereby repealed.

Section 3  
repealed.

SEC. 3. Section four of said Act is hereby amended so as to read as follows: Section 4. Every male inhabitant of a road district over twenty-one and under fifty years of age must pay, annually, to the Road Overseer, the sum of two dollars, and the same shall be collectable at any time after the first day of January of each year; *provided*, that if the same be not paid before the first Monday of July of each year, then it shall be three dollars.

SEC. 4. Section five of said Act is hereby amended to read as follows: Section 5. All highways must be at least fifty feet wide, except those now existing of a different width.

Highways  
defined.

SEC. 5. The incorporated Town of Chico is hereby exempted from the provisions of section three of this Act.

Town of  
Chico ex-  
empted.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall take effect and be in force on and after the first day of January, eighteen hundred and seventy-eight.

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CHAP. XIII.—[See volume of *Amendments to the Codes*.]

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CHAP. XIV.—*An Act to provide for the construction of the Casitas Pass Road, in the County of Ventura.*

[Approved January 12, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the County of Ventura are hereby authorized to issue the bonds of said county, in such sum as may be required, for the construction of a wagon road, hereinafter mentioned, not exceeding eight thousand dollars, payable on the first day of January, A. D. one thousand eight hundred and eighty-eight, with interest thereon at the rate of ten per cent. per annum, payable annually on the first day of January; both principal and interest payable in United States gold coin only. Bonds shall be issued in denominations of five hundred dollars each, numbered respectively, and shall be signed by the Chairman of the Board of Supervisors, and countersigned by the Auditor of said county; interest coupons shall be attached, signed in like manner.

Bonds to be  
issued with  
interest.

SEC. 2. The bonds and coupons shall be paid at the office of the County Treasurer, and when any coupons are paid they shall be canceled by the Treasurer and filed with the

When and in  
what man-  
ner bonds  
and coupons  
are paid.

Auditor. Both Treasurer and Auditor shall keep an accurate account of the coupons so paid and redeemed.

The date and number of coupons.

SEC. 3. Said coupons shall bear the date of their issuance, and be numbered in the order in which they are to be paid; the first coupons shall be for interest from their date up to the first day of January next succeeding.

Supervisors shall levy a special tax.

SEC. 4. For the purpose of paying the interest on said bonds, the Board of Supervisors of said county shall, at the time of levying county taxes for each year, levy a special tax on all property in said county sufficient to pay the interest for one year on all bonds issued. The special tax thus levied shall be assessed and collected as other State and county taxes are assessed and collected, and shall be set apart as a special fund, to be known as the Road Bond Interest Fund, and out of said fund the coupons on said bonds shall be paid as they fall due.

Supervisors may transfer surplus.

SEC. 5. If the amount realized from said special fund exceeds the amount required to pay the interest due in any one year for which it has been collected, the Board of Supervisors may transfer such surplus to the County General Fund.

Tax to pay the interest of said bonds.

SEC. 6. It shall be the duty of the Board of Supervisors, Assessor, and Collector of said county, in the year one thousand eight hundred and eighty-eight, to respectively levy, assess, and collect, in the manner herein provided for the collection of funds to pay the interest on said bonds, the sum of eight thousand dollars for the payment of the principal of the said bonds.

Consideration of proposals.

SEC. 7. The Board of Supervisors of said county are, whenever it shall become necessary in order to carry out the provisions of this Act, authorized and required to sell any or all of said bonds, after having published a notice for thirty days in one of the newspapers published in said county, and one published in the City of San Francisco, inviting for sealed proposals, directed to the Chairman of the Board of Supervisors, for the purchase of the same. Upon a day to be named in said notice, the Board shall meet to consider said proposals, and they shall deliver said bonds, with coupons attached, to the person or persons bidding the highest therefor in United States gold coin; *provided*, that said Board of Supervisors shall have power to reject any and all bids.

Name of fund.

SEC. 8. All funds derived from the sale of said bonds shall be set apart as a special fund, and to be known as the Casitas Pass Road Fund, and be by the Board of Supervisors appropriated, applied, and used in constructing said road, as follows:

Application of said fund.

Eight thousand dollars of said fund, provided that amount is required, shall be expended in constructing and building a road over and through the Casitas Pass, in said county, commencing at a rock mound in center of Rincon Creek, on the line between the Counties of Santa Barbara and Ventura; a large willow tree, eighteen inches in diameter, bears north sixty-one degrees east and distant sixty-three links, and running thence, variation thirteen degrees forty-five minutes east, the courses and distances as

Description.

given in a deed of conveyance, made and executed by R. G. de la Riva *et als.* to Ventura County, dated September fourteenth, A. D. eighteen hundred and seventy-seven, and recorded in Book Five of Deeds, pages four hundred and fifty-six *et seq.*, of Ventura County Records.

SEC. 9. The Board of Supervisors of said County of Ventura shall, within thirty days after passage of this Act, appoint a competent Superintendent, whose duty it shall be to divide the distance of said proposed road into sections of two miles each, each section to be designated by a stake plainly marked and numbered, and to superintend the construction of said road. Said road shall be at least sixty feet wide, at least fifteen feet thereof upon solid ground. The Board of Supervisors of said county shall have the power to establish the grade of said road, but the grade, or ascent and descent, shall not exceed eighteen inches to the rod.

Duties of Superintendent.

SEC. 10. Within thirty days after the sale of the said bonds hereinbefore mentioned, it shall be the duty of the Board of Supervisors to meet at their regular place of meeting in said County of Ventura. At such meeting they shall advertise for sealed proposals for the construction of said road in accordance with the provisions of this Act, the said Board fixing the time within which the work shall be completed. Said advertisement shall be published for three consecutive weeks in some newspaper published in said County of Ventura, and shall call for separate bids for each section of the road; shall state the manner in which the work is to be done, the time allowed for the completion, and state at the date therein named, at ten o'clock A. M., the Board will proceed to consider the bids. At the time named in the advertisement for opening the bids, each bidder shall furnish the Board of Supervisors with the names of the persons he can give as security for the performance of the contract, with the written consent of the persons to become such security.

Supervisors to advertise for proposals.

SEC. 11. All contracts for the construction of said road shall be awarded to the lowest responsible bidder; *provided*, the Board of Supervisors shall have the power to reject any and all bids which are greatly in excess of the cost of constructing any section of said road.

Awarding of contracts.

SEC. 12. Each bidder to whom a contract shall be awarded shall execute a bond, with two good and sufficient sureties, to be approved by the Board of Supervisors, made payable to the County of Ventura, in a penal sum equal to the amount bid, conditional for the faithful performance of the work. But no contract shall be withheld if the bidder shall, within five days after a bond has been rejected, tender another and sufficient surety.

Bidders to execute bonds.

SEC. 13. When any contract shall have been completed, the Board of Supervisors shall, within twenty days after receiving notice thereof, examine the work, and, if it is done in accordance with the contract, accept the same, whereupon the Board of Supervisors shall order warrants drawn on the Treasurer, payable out of the Casitas Pass Road Fund, for all moneys due on said contract.

Supervisors to examine the work.

Compensation of Superintendent.

SEC. 14. The compensation of the Superintendent shall be fixed by the Board of Supervisors, in a sum not to exceed five dollars per diem for the time actually employed.

SEC. 15. This Act shall take effect and be in force from and after its passage.

CHAP. XV.—*An Act concerning the special election to be held in the Fourteenth Senatorial District on the twenty-second day of January, eighteen hundred and seventy-eight.*

[Approved January 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Copies of Great Register to be used.

SECTION 1. At the special election to be held in the Fourteenth Senatorial District on the twenty-second day of January, eighteen hundred and seventy-eight, copies of the Great Register of Alameda County, which were printed before the general election in eighteen hundred and seventy-seven, shall be used.

Supervisors to furnish copies of Great Register.

SEC. 2. The Board of Supervisors of Alameda County must furnish the Board of Election of each precinct in the county, before the day on which said special election is appointed to be held, at least one copy of the aforesaid printed Great Register. If the Board cannot otherwise obtain a sufficient number of copies of the register for the purpose, it must take the copies filed in the office of the County Clerk in pursuance of section one thousand two hundred and sixty-eight of the Political Code.

Letter "V" to be used.

SEC. 3. If the copy of the register which shall be furnished to any precinct shall have been used at a previous election, the letter "V" may be used instead of the word "Voted," as required by section one thousand two hundred and twenty-eight of the Political Code.

Board of Election not to post copies of Great Register.

SEC. 4. It shall not be the duty of the Board of Election to post copies of the Great Register as required by section one thousand one hundred and forty-nine of the Political Code.

Manner of voting.

SEC. 5. The voter, when he offers his ballot at a polling place, shall not be required to announce his number on the Great Register as provided for in section one thousand two hundred and twenty-five of the Political Code.

SEC. 6. This Act shall take effect immediately.



CHAP. XVI.—*An Act to preserve the name of a street in the City of San Francisco.*

[Approved January 15, 1878.]

*The People of the State of California, represented in Senate and Assembly do enact as follows:*

SECTION 1. The street in San Francisco heretofore known as Dupont Street, and running from Market Street to the bay, shall hereafter be known by that name through the entire length thereof, notwithstanding any attempt by the Board of Supervisors of said city and county to change the same.

Dupont  
Street  
defined.

SEC. 2. This Act shall take effect immediately.

CHAP. XVII.—*An Act to re-incorporate the City of Sonora, Tuolumne County.*

[Approved January 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The people of the City of Sonora shall continue to be a body politic and corporate, under the style of the Trustees of the City of Sonora, and by that name they shall have succession, may sue and defend in all Courts and in all actions and proceedings, purchase and hold property, and sell or otherwise dispose of the same for the benefit of said city.

SEC. 2. The boundary line of the City of Sonora shall hereafter be as follows, viz.: Beginning at the section post at the southeast corner of section thirty-six, township two north, range number fourteen east of Mount Diablo meridian; thence running due north along the section line to the northeast corner of said section thirty-six, which shall be the northeast corner of the city; thence west along the line of said section three-quarters of a mile to the northeast corner of the northwest quarter of the northwest quarter of said section thirty-six; thence south one-quarter of a mile to the southeast corner of the northwest quarter of the northwest quarter of said section; thence west to the southwest corner of the northwest quarter of the northwest quarter of section thirty-six; thence south three-quarters of a mile to the southwest corner of said section thirty-six; thence due east to the place of beginning.

Boundary  
of City of  
Sonora.

SEC. 3. The government of said city shall be vested in a Board of five Trustees, who shall hold their office for two years from the first Monday in March after their election, and until their successors are elected and qualified. There shall be an annual election for City Trustees of said city

Government  
vested in a  
Board of five  
Trustees.  
Election of  
Trustees.

on the third Wednesday of February in each year, at which election in each even year there shall be elected two Trustees, and in each odd year three Trustees. Said Trustees shall, within ten days after their election, take the oath of office, and shall, on the first Monday in March after their election, meet and organize as a Board by choosing a President from among their number. They shall have power to appoint the Treasurer and Clerk from among their number, or from any of the qualified electors of said city, and also to appoint all such minor officers as may be necessary for the preservation of order and good government in said city, and to provide for the compensation of, and security to be furnished by, the officers elected by the city, or appointed, as is in this section provided. At each odd year of said elections there shall be elected an Assessor and a Collector for said city, who shall hold their offices for two years from the first Monday in March after their election and until their successors are elected and qualified. The Trustees and the Assessor and Collector elected at the election of said city on the first Monday of March, eighteen hundred and seventy-seven, shall hold their respective offices until the first Monday of March, eighteen hundred and seventy-nine.

Power of  
Board to ap-  
point Clerk  
and minor  
officers.

Duty of  
Clerk.

SEC. 4. The Clerk shall keep regular minutes of the meetings and proceedings of said Board of Trustees, with the names of the Trustees present at each meeting, and shall enter ayes and nays when demanded by any member of said Board. The minutes and records shall be open to public inspection during all business hours.

Meetings of  
Board.

SEC. 5. The meetings of the Board shall be public, and shall be held on the first Monday of each month and at such other times as the Board may appoint, and shall be held at such places as said Board may direct.

Power of  
Board.

SEC. 6. The Board of Trustees shall hold in trust all the property belonging to said city of every description, with power to sell, lease, or otherwise dispose of the same for the benefit thereof. They shall have power to bring or defend any suit or proceedings relative to said city, either at law or in equity, civil or criminal, in any Court of this State, or of the United States; to open, alter, repair, regulate, or change any street or sidewalk, drain or alley in said city; to provide for the impounding and sale of stock found running at large in said city; to regulate the fire department, and designate the proper officers thereof, and define their duties and powers, and provide a time for their election by the members of said department; to provide for the preservation of health, and the enforcement of good order therein, and generally to pass such ordinances as may be necessary for the proper government and regulation of said city, not inconsistent with the Constitution and laws of the United States or of this State. The breach of any such ordinance is declared to be a misdemeanor, and said Board shall have power to impose a fine for any such breach not exceeding fifty dollars, which fine may be enforced in the same manner as other fines under the laws of this State.

Penalty for  
breach of  
ordinance.

SEC. 7. Every such ordinance shall be published in some

newspaper printed in said city for the space of two weeks, at the expiration of which time it shall take effect.

SEC. 8. The Trustees shall have power, and it shall be their duty, on the first Monday in October in each and every year, to levy a tax for the necessary expenses of said city, and for the expenses of the fire department thereof, on all the real and personal property therein, not to exceed one per cent. per annum; but no indebtedness whatever shall be created by said Trustees beyond the amount of taxes levied for the current year, and the Trustees who vote to incur any debt in excess thereof shall be personally responsible for any and all indebtedness created in excess of such tax levy, and the said corporation shall not be responsible for the whole or any portion of any such indebtedness. The assessment for said tax, and the collection of the same, shall be governed so far as practicable by the State laws existing at the time in relation to the assessment for and collection of State and county taxes.

Power to levy tax for expenses.

SEC. 9. The Trustees shall also, on or before the first Monday of April in each year, levy a tax, not exceeding three dollars per capita, upon each and every able-bodied male inhabitant residing in said city between the ages of twenty-one and sixty years, which tax shall be kept apart from the other funds of said city, and shall be expended under the direction of the Trustees only for the repair and improvement of the streets, sewers, bridges, and drains of said city. Said tax shall become delinquent and may be collected on and after the first Monday in May in each year. All taxes shall be paid in United States gold and silver coin.

Poll tax levied.

Application of same.

When delinquent.

SEC. 10. The Justices of the Peace and Constables of the township in which said city is situated shall be conservators of the peace in said city, and shall have jurisdiction in all civil and criminal cases not inconsistent with their jurisdiction as otherwise established by law.

Duties of Justices of the Peace and Constables defined.

SEC. 11. A majority of the Trustees shall form a quorum for the transaction of business, but a smaller number may compel the attendance of absent members; and no tax or assessment shall be levied except by a vote of a majority of all the Trustees.

A quorum.

SEC. 12. The Trustees shall report and post in their office in said city, every three months, an account of the financial affairs thereof.

A report of financial affairs.

SEC. 13. An Act entitled an Act to re-incorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two, and all Acts amendatory thereof and supplementary thereto, and also an Act directing the Board of Trustees of the City of Sonora to levy a special tax for the benefit of the fire department, approved April first, eighteen hundred and sixty-four, are hereby repealed; *provided*, that said repeal shall not affect any valid ordinance of said city now in force.

Acts repealed.

SEC. 14. This Act shall take effect from and after its passage.

CHAP. XVIII.—[See volume of *Amendments to the Codes.*]

CHAP. XIX.—*An Act supplemental to an Act entitled an Act to provide for the maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one.*

[Approved January 22, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Taxes applied under direction of Supervisors.

SECTION 1. All taxes levied and collected for the maintenance of the indigent sick and hospital purposes of Siskiyou County, in that portion of Siskiyou County which was acquired from the former County of Klamath, shall, when collected, be applied solely under the direction and in the discretion of the Board of Supervisors of said county, and may be disbursed within such territory to the maintenance of the resident indigent sick of said portion of Siskiyou County.

Duties of Tax Collector,

SEC. 2. The Tax Collector shall keep a separate account of all such taxes collected, and report the amount to the County Auditor and County Treasurer when the same is paid into the county treasury.

Separate Hospital Fund.

SEC. 3. All such taxes when collected shall be set apart by the County Auditor and County Treasurer for and constitute a separate Hospital Fund to be called the Klamath Hospital Fund, which shall be used solely for the resident indigent sick of said portion of Siskiyou County named in section one.

SEC. 4. This Act shall take effect immediately.

CHAP. XX.—[See volume of *Amendments to the Codes.*]

CHAP. XXI.—*An Act to authorize the County Treasurer of El Dorado County to pay Edward Hunt the sum of two hundred dollars out of the School Fund of said county.*

[Approved January 22, 1878.]

*The People of the State of California represented in Senate and Assembly, do enact as follows:*

Trustees to draw order on County Superintendent.

SECTION 1. The Trustees of Cold Spring School District, County of El Dorado, are hereby authorized to draw their order on the County Superintendent of Schools of El Dorado

County for the sum of two hundred dollars, in favor of Edward Hunt, for the purpose of paying said Hunt for teaching school in said district during the months of December, eighteen hundred and seventy-five, and January and February, eighteen hundred and seventy-six.

SEC. 2. The County Superintendent of El Dorado County, on the receipt of the order mentioned in section one, shall draw a warrant upon the County Treasurer of El Dorado County, against the School Fund of said Cold Springs School District, to pay said sum of two hundred dollars to said Edward Hunt.

County Superintendent to draw order on Treasurer.

SEC. 3. The County Treasurer of El Dorado County is hereby authorized to pay said warrant mentioned in section two.

SEC. 4. This Act shall take effect and be in force from and after its passage.

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CHAP. XXII.—[See volume of *Amendments to the Codes.*]

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CHAP. XXIII.—*An Act to legalize the incorporation of the Town of Anaheim.*

[Approved January 22, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The incorporation of the Town of Anaheim, in the County of Los Angeles, in accordance with an order of the Board of Supervisors of said Los Angeles County, made at a regular session of the said Board, began and held at the Court-house in Los Angeles, on the sixth day of December, A. D. eighteen hundred and seventy-six, the same order or decree having been made by virtue of an Act of the Legislature of the State of California, passed on the nineteenth day of April, A. D. eighteen hundred and fifty-six, is hereby declared a valid and legal incorporation, and all acts done, elections held, and taxes levied by virtue of said order or decree, are hereby declared of full force and effect.

Acts declared valid.

SEC. 2. This Act shall take effect immediately.

CHAP. XXIV.—*An Act to provide for the purchase of a site and the erection of a Court-house and Jail thereon in the County of Monterey.*

[Approved January 22, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Supervisors  
to erect  
buildings.

SECTION 1. The Board of Supervisors of the County of Monterey are hereby authorized and required to erect a County Court-house and Jail in Salinas City, in said county, and in their discretion to purchase a site whereon to erect it, furnish said building, and grade and otherwise improve said site.

Power of  
Supervisors  
to make  
contracts.

SEC. 2. The said Board of Supervisors may, with or without advertisement, etc., adopt plans and specifications of and for said Court-house and Jail, and shall have power and authority to do and perform all acts and things which may be necessary or requisite to fully carry out the provisions and objects of this Act; and so much of any law as is contrary to the provisions of this section is hereby repealed; *provided*, that contracts for the erection of said Court-house and Jail shall be let to the lowest responsible bidder in the manner provided by law; *and provided further*, that said Board shall have power to reject any and all bids.

Supervisors  
to invite  
sealed pro-  
posals.

SEC. 3. The said Board of Supervisors, after they shall have adopted plans and specifications for said Court-house and Jail, shall deposit the same with the Clerk of said Board for the inspection of builders, and shall cause to be published for at least thirty days, in two newspapers, one published in Monterey County, and one in the City and County of San Francisco, an advertisement, inviting sealed proposals for the erection and construction of said Court-house and Jail, and requiring said bids to be accompanied by a certified check in favor of Monterey County, payable to the order of the Chairman of the Board of Supervisors, for five per cent. of the amount of the respective bids, as security that the person or persons so bidding will, if said contract is awarded to him or them at the price so bid, within twenty days after said contract shall be so awarded, enter into a written contract with said county for the construction of said buildings, and will, at the same time, secure the performance of said contract by a good and sufficient bond, in the sum of forty thousand dollars, with two or more sureties, to be approved by said Board of Supervisors.

Require-  
ments.

Awarding of  
contract.

SEC. 4. Within one week after the expiration of the time stated in said advertisement for the reception of said bids, said Board of Supervisors shall meet to open and consider said bids, and shall in public open, declare the same, and award said contract to the lowest responsible bidder, who shall execute the contract and file the bond, as hereinafter required; *provided*, that said Board shall have power to reject any and all bids.

Bond of  
contractor.

SEC. 5. The person or persons to whom said contract shall be so awarded, shall, within twenty days from the date of such

award, execute and file with the Clerk of said Board of Supervisors a contract and a bond in the sum of forty thousand dollars, with two or more sureties, to be accepted and approved by said Board, conditioned to the effect that said contractor will well and truly, and in a workmanlike manner, cause the Court-house and Jail to be constructed in accordance with said plans and specifications of said contract, and completed and delivered in one year from the date of said contract. If the bidder to whom said contract is awarded fails to execute said contract and bond and deliver the same as aforesaid, the said Board of Supervisors may, in their discretion, award said contract to the next lowest bidder or re-advertise for bids.

SEC. 6. Said Board of Supervisors are hereby authorized to employ some suitable attorney-at-law to draw up the contract and bond mentioned in the preceding section, which contract, among other things, must provide that no more than seventy-five per cent. of the contract price shall be paid as the work progresses, and that the remainder thereof shall be held and retained as additional security for the performance of said contract, and shall not become due or be paid until said buildings are fully completed and accepted by the said Board of Supervisors by an order entered upon their minutes.

Supervisors  
to employ  
attorney to  
draw up  
contract.

SEC. 7. Neither the buildings, etc., constructed under the provisions of this Act, nor the lands upon which the same are situated, shall be subject to the lien of any contractor, sub-contractor, mechanic, laborer, lumber man, or any other person, for any labor, lumber, materials, or other thing done or furnished in and about the construction of said Court-house, etc., and the person or persons performing such labor or furnishing said materials shall be conclusively presumed to have had full notice of this provision, and to have agreed to waive any right or claim to any lien which they might otherwise have been entitled to.

Buildings  
not subject  
to lien.

SEC. 8. For the purpose of providing means for the erection and construction of said Court-house and Jail, furnishing the same, grading and otherwise improving said site, etc., the Board of Supervisors of Monterey County are hereby authorized and empowered to have prepared, and to issue at one time, or from time to time, the bonds of said county to be known as "Court-house and Jail Bonds," to such an amount, not exceeding in the aggregate the sum of sixty thousand dollars, as said Supervisors may deem necessary and proper, pledging the faith of said county that on or before the first day of January A. D., one thousand eight hundred and ninety-eight, it will pay, in gold coin of the United States, at the office of its Treasurer in said county, a sum of money to be therein stated, which shall be one hundred dollars or some multiple thereof, and that it will also, on the first day of January of each year, at said office, pay interest thereon in like gold coin at the rate of seven per cent. per annum, upon the delivery to said Treasurer of the coupon for the interest then due, and each of said bonds shall contain a clause reserving to the county the right to

Supervisors  
to issue  
bonds.

pay said bond at its option at any time after the expiration of ten years from its date, and that the interest thereon shall cease after the expiration of sixty days from the publication of a notice in a newspaper in Salinas City, and one in the City of San Francisco, that the county is prepared to and will pay the bond; *provided*, that said notice shall not be given until after the expiration of said ten years.

Who to prepare said bonds, and how.

SEC. 9. That said bonds shall be prepared by the Clerk of the Board of Supervisors of said county, and shall be numbered consecutively, and be numbered, recorded, and signed by him, and shall then be signed by the Chairman of said Board of Supervisors and authenticated by the seal of the County Court of said county, and shall be then registered by the Auditor and Treasurer of said county, such register showing the number, date, and amount of each bond, and to whom it was issued. Each bond shall have attached to it coupons for the annual interest. Each of said coupons bearing the number of its bond, the date when said coupon will be due, the amount to be paid, and the number of its series, in the order of becoming due, making the coupons first due number one; said coupons must be signed by the Treasurer of said county.

The Court-house and Jail Fund, how provided for.

SEC. 10. The bonds hereby authorized and directed to be issued shall be issued from time to time, as may be deemed proper, as the same may be required to pay for the materials furnished, work done, etc., etc., in and about said Court-house and Jail; said bonds shall be sold under the direction of the Board of Supervisors of said county, for gold coin, to the person or persons who will pay the highest price therefor; *provided*, said price shall not be less than ninety-six cents on the dollar; and the purchaser whose bid shall be accepted shall pay into the county treasury, within ten days from the date of the award to him or them, the amount so bid by him or them, and the Treasurer shall receipt for the same, and set apart the money so received in a fund, which shall be known as the "Court-house and Jail Fund." Upon the delivery of said receipts to the Clerk of the said Board of Supervisors, the said purchaser or purchasers shall be entitled to receive the bond or bonds purchased by him or them. Said Clerk shall file said receipt, and copy the same into the record required to be kept by him of said bonds, and shall date and deliver said bonds; *provided, however*, that said bonds shall not be sold until after said Board of Supervisors shall have given at least thirty days' notice in three newspapers, one published in Salinas City, and two published in the City and County of San Francisco, of the time and place when and where the bids will be received and opened, and the terms and conditions that must accompany said bids, and no bid shall be considered unless accompanied by a certified check in favor of Monterey County, and payable to the order of the Chairman of the Board of Supervisors, for at least ten per cent. of the total amount bid; *and provided further*, that said Supervisors shall have the right to reject the whole or any part of the bids received.

SEC. 11. At any time after the passage of this Act the said



Board of Supervisors of Monterey County may, in their discretion, bargain, sell, and convey the land formerly occupied by the old Court-house and the present Jail, etc., thereon, as a whole or in subdivisions, as they may deem most advantageous to said county; *provided, however*, that no private sale of the whole or any subdivisions thereof shall be valid or of any effect whatever, unless an order for such sale be made and entered upon the minutes of said Board, by the votes of at least four-fifths of the members of said Board, and said minutes must also show who voted for and who against said order: *and provided further*, that if any sale be made of said property said Board shall reserve to said county the right to the possession and use of the same until said new Court-house and Jail shall be completed and accepted by said Board. The deed or deeds for said lots shall be executed by the Chairman and Clerk of said Board, and upon their delivery the consideration therefor shall be paid to said Clerk, who shall pay the same over to the Treasurer of said county, taking his receipt therefor, which shall be given to the Auditor of said county, and filed by him, and said amounts charged to the Treasurer; said Treasurer shall credit the amounts so received to the Court-house and Jail Fund.

Supervisors to dispose of land occupied by the old Court-house.

SEC. 12. At the time of the making of the levy for county taxes, the said Board of Supervisors shall annually levy a special tax sufficient to pay the interest that will be due the following January on the then outstanding bonds issued under this Act, and in the year eighteen hundred and eighty-eight, and annually thereafter, until all of said bonds are paid. They shall, in addition to said tax for said interest, levy a further tax, which, after allowing for delinquences, etc., will produce each year a sum equal to one-tenth of the principal sum of the whole of the bonds issued under this Act; which said taxes shall be levied and collected in the manner provided by the general revenue law of the State for the levying and collection of other county taxes, and when so collected the same shall be set apart by the County Treasurer in a fund to be known as the "Court-house and Jail Bond Fund."

"Court-house and Jail Bond Fund."

SEC. 13. All payments, costs, and expenses of carrying this Act into effect, including the costs of plans and specifications, architects' fees, purchasing lots for construction, and furnishing of said Court-house and Jail, improving the grounds, etc., shall be paid by warrants drawn upon the Court-house and Jail Fund, and when all of the aforesaid demands are paid any surplus remaining in said fund shall be transferred to the Current Expense Fund.

Expenses paid from; surplus remaining.

SEC. 14. Whenever, in any year after January first, one thousand eight hundred and eighty-eight, there shall be in said Court-house and Jail Bond Fund a surplus of one thousand dollars or more, in addition to a sum sufficient to pay the interest due the following January, the Treasurer of said county shall publish a notice once a week for four successive weeks, in some newspaper in the county, and also one newspaper published in the City and County of San Francisco, which notice shall state that he is prepared to

Treasurer to redeem bonds.

redeem, on a day to be stated therein, bonds to the amount of said surplus in his hands, and that until such day, at twelve o'clock m., he will receive at his office sealed proposals for the surrender of bonds issued under this Act. On said day and at said hour he shall, in the presence of the County Clerk and others there present, proceed and open said bids, and shall redeem such bonds as may be offered at the lowest bid; but no bid above par and accrued interest shall be accepted. If no bid be put in at par or less, or if a sufficient amount of the bonds be not offered to absorb the said surplus on hand, then bonds to the amount of said surplus still on hand shall become due, and payable in the order in which they were numbered, commencing at number one, and said Treasurer shall give notice in like manner as above provided that such bonds, giving date, number, and amount, have become due, and will be paid on presentation, and the interest thereon shall cease from and after sixty days from the first publication of such notice.

Treasurer to  
pay coupon  
when due.

SEC. 15. Whenever any interest coupon or any bond has become due and is presented to the Treasurer, he shall pay it out of the Court-house and Jail Bond Fund, and no order, authority, or warrant shall be necessary to authorize the Treasurer to make the redemptions and payments required by this Act, and the delivery by him to the Auditor of the canceled bond or coupon shall be the Treasurer's sufficient voucher in the settlement of his accounts; and so much of any law contrary to the provisions of this section is hereby repealed.

Treasurer to  
cancel bonds  
and deliver  
to Auditor.

SEC. 16. When the Treasurer shall redeem or pay said bonds he shall cancel the same by writing across the face thereof these words, "Canceled and paid," giving the date thereof, and sign the same, and he shall also keep a record thereof, showing the number of the bond, its date, amount, from whom received, the amount he paid therefor, and when he paid it. Upon the semi-annual settlement of the said Treasurer with the County Auditor said Treasurer shall deliver said bond or bonds so paid and canceled to said County Auditor, who shall credit him with the amount so paid, and shall file and preserve said bond in his office as evidence of such payment and cancellation.

Supervisors  
shall order  
transfer of  
money.

SEC. 17. After the payment of all of the bonds issued under this Act, with the interest thereon, if there should still be any money in said Court-house and Jail Bond Fund, the Board of Supervisors shall, by their order, direct the said remaining funds to be transferred to the Current Expense Fund of the said county, and said Treasurer shall thereupon make such transfer.

SEC. 18. All Acts and parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

SEC. 19. This Act shall take effect and be in force from and after its passage.

CHAP. XXV.—*An Act to fix the terms of the several Courts of record in the County of San Mateo.*

[Approved January 22, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Regular terms of the District Court of the Twelfth Judicial District, in and for the County of San Mateo, shall be held on the third Monday in March, July, and November, in each year, and continue until the business of the term is disposed of, or for such time as the Court may direct, and adjourned terms thereof may be held at such times as may be ordered by the Court; *provided*, that the opening of any term of said Court, in said county, shall not operate as a final adjournment of any term of said District Court in the City and County of San Francisco, but the terms of said Court in the City and County of San Francisco may be adjourned over for such time as shall be necessary for the purpose of holding said terms in the said County of San Mateo.

Time of holding District Court, San Mateo County.

Court in San Francisco County may be adjourned.

SEC. 2. Regular terms of the County Court of the County of San Mateo shall be held on the second Monday in April, August, and December, in each year, and continue until the business of the term shall be disposed of, or the term may be adjourned from time to time as the Court shall direct.

Time of holding County Court.

SEC. 3. Regular terms of the Probate Court, in the County of San Mateo, shall be held on the Tuesday following the second Monday in April, August, and December, in each year, and each term shall continue from time to time, as the Court shall direct, until the opening of the next term.

Time of holding Probate Court.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. XXVI.—*An Act to prevent hogs and goats from running at large within the limits of the town site of the Town of Weaverville, Trinity County, California.*

[Approved January 22, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be unlawful for hogs or goats to run at large within the limits of the town site of Weaverville, Trinity County.

Hogs and goats running at large.

SEC. 2. It shall be the duty of the Constables for Weaverville Township, in said county, to take up all hogs and goats found running at large within the limits of said town site.

Duties of Constables in Town of Weaverville.

SEC. 3. The Constables shall proceed to sell to the highest bidders all such animals taken up under the provisions of

Constable to sell animals.

this Act by giving at least five days' notice of such sale, by posting notices in three public places within said town site, and all moneys arising from such sale shall, after the expense of taking up, keeping, and selling are paid, be paid by the Constable to the owner or owners of the animal or animals upon demand, if demanded within thirty days from the date of said sale; otherwise, it shall, at the expiration of the said thirty days, be paid into the county treasury of Trinity County, and placed to the credit of the Weaverville School District, and become a part of the fund of said district. At any time before the day of sale the owner, or other person entitled to the possession of any such animal so taken, may have the same re-delivered to him on paying to the Constable his fees and expenses as aforesaid.

How to  
obtain ani-  
mals.

Constable  
may be  
fined.

SEC. 4. Any Constable purposely refusing or neglecting to take up all hogs or goats running at large within the limits of the town site of Weaverville shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars and not more than twenty-five dollars.

Animals to  
be exempted

SEC. 5. Nothing in this Act shall be construed to prevent persons from driving such animals through any of the public thoroughfares of said town.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. XXVII.—*An Act to amend an Act entitled an Act to provide for the payment of the debt due upon the Road Fund of Butte County, approved March twenty-seventh, one thousand eight hundred and seventy-six.*

[Approved January 22, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Duty of  
Board of  
Supervisors  
to levy  
special tax.

SECTION 1. Section two of said Act is hereby amended so as to read as follows: Section 2. It shall be the duty of the Board of Supervisors of Butte County, at their regular meeting for levying the taxes upon the property returned upon the assessment roll of Butte County for the fiscal year one thousand eight hundred and seventy-eight and one thousand eight hundred and seventy-nine, to levy a special tax upon the assessed property of said county of four cents upon each one hundred dollars of assessed valuation, which said tax shall be collected in the same manner and at the same time other taxes are collected, and when collected shall be paid into the county treasury as a special fund for the redemption of the balance of the Road Fund debt; and it shall be the duty of the County Treasurer, from the moneys collected from said special tax, to pay all outstanding warrants drawn by the several Road Overseers prior to the passage of the Act of which this Act is amendatory, upon the

Duty of  
County  
Treasurer  
to pay war-  
rants.

funds of the several road districts, in the order in which they have been presented for payment and indorsed, "not paid."

SEC. 2. Section three of said Act is hereby amended so as to read as follows: Section 3. Any surplus remaining from said special tax, after the payment of the balance due of the Road Fund debt, shall be transferred by the County Treasurer to the General Road Fund of the county, and to be paid out by the Treasurer upon the warrants drawn by the Auditor on the order of the Board of Supervisors.

SEC. 3. This Act shall be in force from and after its passage.

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CHAP. XXVIII.—[See volume of *Amendments to the Codes.*]

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CHAP. XXIX.—*An Act to amend an Act entitled an Act to enforce the collection of poll taxes in the County of Calaveras, approved March twentieth, eighteen hundred and seventy-four.*

[Approved January 24, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section second of said Act is hereby amended so as to read as follows: Section 2. County poll taxes and hospital poll taxes must be collected by the several Constables of Calaveras County between the second Monday in January and the second Monday of September in each year.

SEC. 2. Section six of said Act is hereby amended so as to read as follows: Section 6. The amount of poll tax or poll taxes, with fifty per cent. in addition thereto, constitutes from the second Monday in September a lien upon the property assessed to such person, and must be collected in the same manner and at the same time as taxes upon his property are collected.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. XXX.—*An Act to amend section five of an Act entitled an Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.*

[Approved January 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Vacancy,  
how filled.

Term of  
office.

SECTION 1. Section five of an Act entitled "An Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same," approved March twenty-seventh, eighteen hundred and seventy-six, is hereby amended so as to read as follows: Section 5. Whenever a vacancy occurs in the Board of Supervisors, from failure to elect or otherwise, the County Judge must fill the vacancy by appointing an elector of the district in which the vacancy occurs. The person so appointed shall hold office until the next general election, and until his successor is elected and qualified.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. XXXI.—*An Act to regulate fees and fix the salaries and compensation of certain officers for the County of Colusa.*

[Approved January 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Such salaries, compensation, and fees, as are hereinafter provided, shall be allowed to the officers of Colusa County hereinafter named, for their services rendered in discharging all the duties required of them by law, and such officers may lawfully charge, demand, and receive the same in gold and silver coin of the United States, and all costs recovered in any suit or proceeding shall be payable in gold and silver coin.

#### FEES OF THE COUNTY CLERK AS CLERK OF THE SEVERAL COURTS OF RECORD.

Fees of  
County  
Clerk.

SEC. 2. At the commencement of each action or proceeding in the District Court, the County Court, and the Probate Court, other than actions and proceedings in criminal cases, the Clerk shall be entitled to demand and receive from the plaintiff not to exceed the sum of ten dollars to cover his costs to the time of judgment, and from the defendant, at the time he enters an appearance, or pleads, three dollars, to cover his costs for the same time. If, in the progress of the action, the sums collected by the Clerk should be insufficient he shall be entitled to demand from either party such fur-

ther sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action, shall be returned by the Clerk to the party who advanced them, on demand.

# FEES OF THE CLERK OF THE DISTRICT COURT.

SEC. 3. The Clerk of the District Court shall receive for entering each suit on Clerk Register of Actions and making necessary entries thereon during the progress of the suit, and of the trial, and such subsequent proceedings, for each folio, twenty-five cents; for issuing every writ or process under seal, forty cents—except the writ of habeas corpus; for issuing each subpoena, for one or more witnesses, twenty-five cents; for entering every motion and order, twenty-five cents; for entering every default, fifty cents; for entering every discontinuance or dismissal, twenty-five cents; for entering every cause on calendar and making a copy thereof for the bar, for each term of the Court, twenty-five cents; for filing each paper, fifteen cents; for calling and swearing every jury on *voir dire*, twenty-five cents; for calling and swearing every jury to try cause, twenty-five cents; for filing and entering each verdict of a jury, fifty cents; for entering every final judgment, for the first folio fifty cents, for each subsequent folio twenty-five cents; for making up and filing judgment roll, fifty cents; for entry of judgment on judgment docket and making all necessary indexes for the same, fifty cents; for entering satisfaction or credit on judgment docket, twenty-five cents; for administering every oath or affirmation, twenty-five cents; for administering oath or affirmation and certifying same, forty cents; for copy of any proceeding, record, or paper on file, or on record, in his office, per folio, fifteen cents; for every certificate under seal, forty cents; for issuing every commission to take testimony, one dollar; for writing down testimony of a witness during trial, for each folio, to be paid by the party requiring the same, twenty-five cents; for issuing every execution or other final process under seal, fifty cents; for receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents; for filing and approving each undertaking or bond, fifty cents; for taking testimony on justification to undertaking or bond, for each folio, twenty-five cents; for taking acknowledgment of deed or other instrument, to include his certificate and seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents; for indexing every suit in the General Index of the Court, as required by law, fifty cents; for filing or entering papers on transfer of cases from other Courts, two dollars and fifty cents; for searching records or files of each year, except for suitors or their attorneys, twenty-five cents.

Fees of  
Clerk of Dis-  
trict Court.

# FEES OF THE CLERK OF COUNTY COURT.

SEC. 4. The Clerk of the County Court shall receive for

Fees of  
Clerk of  
County  
Court.

filing all papers on appeal from Justices' Courts, for each case, one dollar and fifty cents. For other services, the same fees as are allowed the Clerk of the District Court for like services.

Fees of  
Clerk of  
Probate  
Court.

SEC. 5. The Clerk of the Probate Court shall receive for issuing letters testamentary, or of administration, or of guardianship, fifty cents; for writing and posting the notices required, one dollar; for each notice for publication, fifty cents; for recording wills or other papers required by law to be recorded, for each folio, fifteen cents; for all other services, the same fees as are allowed the Clerk of the District Court for like services; *provided*, that if, upon the filing of the appraisement of any estate, it appears that the whole estate is not of the value of one thousand dollars, no further Clerk's fees shall be charged.

Fees of  
County  
Clerk.

SEC. 6. The County Clerk shall receive for issuing each marriage license, two dollars, one half to be paid to the County Recorder for recording such license. For issuing any other license required by law, one dollar. For all services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

Compensa-  
tion of same.

SEC. 7. The County Clerk shall receive the sum of fifteen hundred dollars per annum, to be paid out of the Common Fund of the county in equal monthly installments, for all services required by law to be performed by him as ex officio Clerk of the several Courts of record in the county, as Clerk of the Board of Supervisors, Equalization, and Canvassers, as County Auditor, and as County Recorder, which could be a charge against the county; and for all services so rendered he shall receive no other fee or compensation.

Fees of  
County  
Recorder.

SEC. 8. The County Recorder shall receive for recording every instrument, paper, or notice, for each folio, fifteen cents; or indexing every instrument, paper, or notice, as required by law, fifty cents; for copies of any record or paper, per folio, fifteen cents; for filing every instrument for record, and making the necessary entries thereon, including certificate of record, twenty-five cents; for each certificate under seal, forty cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, witnessing and indexing the same, twenty-five cents; for abstract of title for each conveyance or incumbrance certified, fifty cents; for recording every plat or map, for each course, ten cents; for figures and letters on plats and maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed twenty-five dollars; for taking acknowledgments, including certificate and seal, for the first signature fifty cents, for each additional signature, twenty-five cents; for recording marriage license and certificate, to be paid by the Clerk, one dollar; for recording each mark or brand, seventy-five cents; for filing and indexing each paper required by law to be filed but not required to be recorded, fifty cents. For other services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

SEC. 9. The County Clerk, as such, and as ex officio Clerk



of the District and County Courts, and Clerk of the Board of Supervisors, Equalization, and Canvassers, and also as ex officio Recorder and Auditor, shall receive the fees and salaries allowed by the foregoing sections. But should such fees, salaries, and other compensation exceed in the aggregate the sum of eight thousand dollars in any one year, then, and in such case, the excess above that amount shall, at the end of the official year, be paid by him into the county treasury to the credit of the Common Fund.

Fees and  
salaries of  
County  
Clerk limited.

FEEES FOR SHERIFF.

SEC. 10. The Sheriff shall receive, for serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents; for serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar; for serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, two dollars; for his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the Court shall order; *provided*, that no more than two dollars per diem shall be allowed to a keeper; for taking bond or undertaking in any case in which he is authorized to take the same, fifty cents; for copy of any writ, process, or other paper, when demanded or required by law, for each folio, fifteen cents; for serving every notice, rule, or order, fifty cents; for advertising property for sale on execution, or any judgment or order of sale, exclusive of the cost of publication, for each notice, fifty cents; for serving writ of possession and restitution, putting a person in possession of premises, and removing the occupant, three dollars; for holding each inquest, or trial of right of property, to include all services in the matter, except mileage, three dollars; for serving a subpoena, for each witness, twenty-five cents; for traveling, whenever traveling is necessary, in the performance of any duty required of him by law, other than taking prisoners to the State's Prison, and insane persons to the Insane Asylum, twenty-five cents per mile, to be computed from the Court-house, in going only; *provided*, that for serving process, or serving or posting notices or papers, in the same action or proceeding, in the same direction, and at the same time, one mileage only shall be charged; for commissions for receiving and paying over money on execution, or other process, when land or personal property has been levied on and sold, on the first one thousand dollars, one and one-half per cent., and one per cent. on all sums over that amount; *provided*, the aggregate amount on any execution shall not exceed one hundred dollars; for commissions for receiving and paying over money on execution without levy, or where the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one-half per cent., and one per cent. on all sums over that amount; *provided*, the aggregate amount shall not exceed the sum of twenty-five dollars; the fees

Fees of  
Sheriff.

herein allowed for the levy of an execution, cost for advertising, and percentage for making and collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum therein directed to be made; for drawing and executing a Sheriff's deed, exclusive of acknowledgment, to be paid by the grantee, before delivery, three dollars; for executing a certificate of sale, exclusive of the filing and recording of the same, one dollar; for attending, when required, on any Court of record, in person or by deputy, for each day, to be paid out of the county treasury, three dollars; for making every arrest in a criminal proceeding, one dollar; for summoning a Grand Jury of twenty-four persons, eight dollars; for summoning a trial jury of twelve persons, or less, three dollars; for summoning each additional juror, twenty-five cents; for executing every sentence of death, fifty dollars; for all services in Justices' Courts, the same fees as are allowed to Constables for like services; for conveying a prisoner, when under arrest, the necessary expenses incurred in the transportation; for all services rendered and performed by the Sheriff, as ex officio Tax Collector, he shall receive the sum of twelve hundred dollars per annum, to be paid out of the Common Fund, when he delivers the delinquent tax list to the County Auditor, and for such services he shall receive no other fee or compensation.

Compensation of Sheriff.

Fees and salaries of Sheriff limited.

SEC. 11. It is hereby provided that if the fees and other compensation allowed the Sheriff as Sheriff and as ex officio Tax Collector by the foregoing sections exceed in the aggregate for any year the sum of nine thousand five hundred dollars, except for the allowance for the expense of conveying prisoners to the County Jail, and mileage for conveying insane persons to the Insane Asylum, or prisoners to the State Prison, then and in such case, the excess above such sum shall be paid by him into the county treasury, to the credit of the Common Fund.

Salary of Assessor.

SEC. 12. The Assessor shall be allowed compensation for himself and deputies, for all services required of him by law, the sum of three thousand six hundred dollars per annum, out of the Common Fund, fifteen hundred dollars payable on the first day of April of each year, and the balance payable on the completion and delivery of the assessment roll to the Auditor, and in addition shall be allowed to retain for his own use and benefit fifteen per cent. for the collection of State poll taxes and three per cent. on personal property taxes collected by him; *provided*, he shall receive no fees or compensation for the collection of road poll taxes.

Salary of District Attorney.

SEC. 13. The District Attorney shall receive, in full compensation for all services required of him by law, an annual salary of eighteen hundred dollars, payable monthly, out of the Common Fund of the county.

Compensation of Superintendent of Public Schools.

SEC. 14. The Superintendent of Public Schools shall receive, in full compensation for all services required of him by law, an annual salary of fifteen hundred dollars, payable monthly, out of the Common Fund of the county.

SEC. 15. The Coroner shall be ex officio Public Admin-

istrator, and shall receive for his services as Coroner compensation as follows: For general services in holding an inquest, ten dollars; for each witness subpoenaed, twenty-five cents; for each mile necessarily traveled in going to the place of inquest, twenty-five cents; for directing or attending the interment of each body upon which an inquest has been held, two dollars; for swearing each witness or juror, twenty-five cents; for writing down testimony, twenty-five cents per folio.

Fees of  
Coroner.

SEC. 16. The Public Administrator shall receive for his services the same fees as are or may be allowed by law to executors and administrators.

Fees of  
Public Ad-  
ministrator.

SEC. 17. The Treasurer shall receive an annual salary of two thousand dollars in full compensation for all services required of him by law, payable monthly, out of the Common Fund.

Salary of  
Treasurer.

SEC. 18. The County Judge shall receive an annual salary of twenty-four hundred dollars in full compensation for all services required of him by law, payable monthly, out of the Common Fund of the county.

Salary of  
County  
Judge.

#### FEES OF COUNTY SURVEYOR.

SEC. 19. For the first mile actually run with compass and chain in wood, or brush, or salt marsh lands, the County Surveyor shall receive the sum of four dollars; for each succeeding mile, two dollars; for each mile run with compass alone, one dollar and fifty cents; for the first mile actually run with compass and chain in open land, three dollars; for each succeeding mile, one dollar and fifty cents; for each mile run with compass alone, one dollar; for each lot laid out and platted in any city or town, one dollar; for recording a survey, seventy-five cents; for calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), ten cents for each course; for traveling to the place of survey, for each mile, in going only, thirty cents; and if he shall be required and duly notified, or otherwise, to make other surveys while in the discharge of his official duty while in the field, he shall be entitled to mileage only from the place last surveyed by him; for ascertaining the location of every town lot in an old survey, measuring and making the same, one dollar; for copies and certificates, per folio, fifteen cents; for erecting a monument at the corner of any survey when required, fifty cents; for erecting a monument when running a line at a variation or offset, when required, twenty-five cents; for copy of plat of any survey and certificate required by any person, or to be transmitted to the Surveyor-General, one dollar, to be paid by the party requiring the survey. Expenses of assistants shall be an additional charge to be agreed upon between the parties; or, in cases of surveys ordered by the Court, or Board of Supervisors, such compensation as shall be by them allowed.

Fees of  
County  
Surveyor.

## FEES OF COURT COMMISSIONERS.

Fees of  
Court Com-  
missioners.

SEC. 20. The Court Commissioners shall be entitled to charge and receive for their services the following fees, viz.: For hearing and determining every *ex parte* motion for any order or writ, three dollars; for hearing and determining such contested motions or issues of law or fact as may be referred to them, or for taking proof upon or determining any matter of fact upon which information may be required by the Court, five dollars; for taking and certifying every affidavit and for the approval of every bond or undertaking, fifty cents; for taking and certifying depositions, twenty-five cents per folio; for every delinquent tax case referred to the Commissioner, for all the services performed by him, three dollars.

## SUPERVISORS' FEES.

Supervisors'  
fees.

SEC. 21. Each member of the Board of Supervisors shall receive the sum of six dollars per day for each day necessarily employed, and said members shall, in addition thereto, be allowed a mileage of twenty cents per mile in traveling to and from the county seat; *provided*, no charge shall be made for more than one trip going from and returning to the residence of such Supervisor at each regular term.

## FEES OF JUSTICES OF THE PEACE.

Fees of  
Justices of  
the Peace.

SEC. 22. For filing each paper, twenty-five cents; issuing any writ or process by which suit is commenced, fifty cents; for entering every cause upon his docket, fifty cents; for issuing subpoena, twenty-five cents; for administering an oath or affirmation, twenty-five cents; for each certificate, twenty-five cents; for issuing writ of attachment or of arrest, or for delivery of property, fifty cents; for entering any final judgment, for the first folio, one dollar; for each additional folio, twenty cents; for taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents; for taking justification to a bond, fifty cents; for swearing a jury, fifty cents; for taking deposition, per folio, twenty cents; for entering satisfaction of a judgment, fifty cents; for copy of a judgment, order, docket, proceedings, or paper in his office, for each folio, twenty cents; for issuing commission to take testimony, fifty cents; for issuing supersedeas to an execution, fifty cents; for making up and transmitting transcript and papers on appeal, one dollar and fifty cents; for issuing search warrant, fifty cents; for issuing an execution, fifty cents; for celebrating marriage and returning certificate thereof to the Recorder, five dollars; for taking bail, after commitment in criminal cases, one dollar; for entering cause without process, one dollar; for entering judgment by confession, and only on affidavit, as required in District Court, three dollars; for entering every motion, rule, exception, order, or default, twenty-five cents; for transcript of

judgment, per folio, twenty cents; for all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars; for taking an acknowledgment of any instrument, for the first name, fifty cents, for each additional name, twenty-five cents; for all services connected with the posting of strays, including the transcript for the Recorder, two dollars. In cases before Justices of the Peace, when the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive two dollars, and the Justice before whom the trial shall take place shall receive the same fee as if the action had been commenced before him. All fees of the Justices of the Peace, including those on file and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal. For all services appertaining to the Coroner's office which the Coroner is unable to attend to, the Justices of the Peace shall receive the same fees as are allowed the Coroner for similar services.

#### FEES OF CONSTABLES.

SEC. 23. For serving summons in civil cases, for each defendant, fifty cents; for summoning any jury before a Justice of the Peace, including mileage, two dollars; for making sales of estrays, the same fees as for sales on execution; for all other services, the same fees as are allowed to Sheriffs for similar services performed by the several officers under the Act concerning water-craft found adrift and lost money and property, passed April fifth, eighteen hundred and fifty. They shall receive the fees as are prescribed in said Act.

Fees of  
Constables.

#### FEES OF JURORS.

SEC. 24. Grand and trial jurors shall receive two dollars and fifty cents per day for attendance upon a Court of record and twenty-five cents per mile for traveling from their residence to the place of trial. No juror who shall be excused, from attendance, upon his own motion, on the first day of his appearance in obedience to the venire, shall receive per diem, but mileage only. In civil cases the party in whose favor verdict is rendered, before the same be entered, shall pay the jury fees, but the same may be recovered as costs from the party losing the case; *provided*, that Clerks of Courts of record shall keep an account of all moneys received for trials by each juror during the term, and if the sum so received by such juror shall not amount to two dollars and a half per day and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is still entitled to receive pay, which shall be paid out of the county treasury as other county dues. If in any trial in a civil case the jury be, for any cause, discharged without finding a verdict, the fees of the jury shall be paid by the party who demanded the jury, but may be recovered as costs if he after-

Fees of  
Jurors.

wards obtain judgment; and, until they are paid, no further proceedings shall be allowed in this action. Jurors in a Justice's Court, in civil cases, shall receive two dollars per day, but no mileage, to be taxed against the party losing the suit. On the first day of each regular meeting of the Board of Supervisors, the Clerks of Courts of record shall file with the Clerk of the Board of Supervisors a detailed statement containing a list of the jurors and the amount of fees and mileage earned by each juror to be paid out of the county treasury. No allowance shall be made to the Clerk for any service performed by him until the statement required by this section shall have been filed as aforesaid.

#### WITNESS FEES.

Fees of  
witnesses.

SEC. 25. For attending in any civil suit or proceeding before any Court of record, Referee, Commissioner, or Justice of the Peace, for each day, two dollars; for traveling to the place of trial, for each mile, twenty cents. In case of an impeachment and contested election, for traveling to the place of trial, ten cents per mile. No person shall be obliged to attend or testify in a civil action unless his fees shall have been tendered or he shall have not demanded the same. No fees shall be allowed any witness in a criminal action or proceeding unless he shall attend before a Grand Jury or Court of record as a witness on behalf of the people upon a subpoena, or by virtue of a recognizance, and it shall appear that he has come from any place out of the county, or that he is poor, the Court, if the attendance of the witness be upon a trial by an order upon its minutes, or in any other case, the County Judge, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses, and no person who resides without any county shall be obliged, in a civil action or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his place of residence to the place of trial.

Compensation of  
Judges and  
Clerks of  
Election.

SEC. 26. The Judges and Clerks of Election shall be allowed such compensation as the Board of Supervisors shall prescribe, not exceeding three dollars per day each, for the time they are necessarily employed, and not exceeding five days' pay in any one year for each of the Judges, and six days for the Clerks, which shall be full compensation for all services required by law to be by them performed.

Compensation of interpreters and translators.

SEC. 27. Interpreters and translators shall be allowed such compensation for their services as the Court shall allow, to be taxed and collected as other costs, but the same shall not exceed three dollars per day.

SEC. 28. All allowances made by the State to the different officers, excepting mileage of Sheriff in conveying prisoners to the State Prison and insane persons to the Insane Asylum, and mileage of the County Treasurer, shall be paid into the Common Fund of the county.

SEC. 29. All salaried officers receiving any compensation whatever for services rendered as such officer, not enumerated

in this Act, shall pay the same into the county treasury to the credit of the Common Fund.

MISCELLANEOUS PROVISIONS.

SEC. 30. It shall be the duty of every officer in this Act named, authorized to receive any fees for official services of himself or deputies, to keep a fee book, in which he shall enter an exact and full account in detail of all fees, commissions, or compensations of whatever nature or kind, by him or his deputies earned, collected, or chargeable, with the date, the name of the payer, and the nature of the services in each case. In the first week of March and September, respectively, in every year, he shall file in the office of the Clerk of the Board of Supervisors a sworn statement, in writing, of the amount of fees earned, collected, or chargeable, by him or his deputies, for the official services during the calendar months ending on the last day of the previous month. If any person shall hold more than one office, he must keep a separate book for each office, and must make separate statements for each. The Clerk of the Board of Supervisors is hereby required to make an abstract of the amount of fees returned to him as having been earned, collected, or chargeable by the respective officers named in this Act, and shall forward the same, duly certified, to the Secretary of State, in the month of March of every year, to be by him filed in his office.

Officers to keep fee book.

Shall file statement of amount of fees collected with Clerk of Board of Supervisors.

Clerk to make and transmit an abstract to Secretary of State of amount of fees collected.

SEC. 31. If any officer named in this Act shall charge or receive fees in excess of the amounts in this Act specified, or refuse or neglect to keep a fee book, or to file a sworn statement, or to make returns to the Secretary of State, as herein required, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, and by removal from office. It shall be the duty of the District Attorney to prosecute all offenses arising under this Act.

Penalty for neglect of duty.

SEC. 32. It shall be the duty of all the officers in this Act named to complete the business of their respective offices to the time of the expiration of their respective terms, and in case any officer, at the close of his term, shall leave to his successor official labor to be performed for which he has received compensation, or which it was his duty to perform, he shall pay to his successor all the fees received by him for such services.

Officers to complete their business until close of term.

SEC. 33. None of the officers hereinbefore mentioned shall be allowed to charge or receive any other compensation whatever for any services that now are or may be hereafter required of them in the discharge of the duties of their respective offices.

Officers not allowed to receive other compensation.

SEC. 34. Every officer named in this Act shall set up in his office a table of his fees, according to this Act, within one month after this Act goes into effect, in some conspicuous place for inspection of all persons who have business in his office, upon pain of forfeiting for each day the sum of twenty dollars, which may be recovered by any person by

Shall keep table of fees in his office.

Penalty for failure of same.

action before any Justice of the Peace of the county, with costs.

May be  
required to  
receipt for  
fees.

SEC. 35. Every officer upon receiving any fees for official duty or services may be required by the person making the same to make out in writing and deliver to him a particular account of such fees, specifying for what they respectively accrued, and shall receipt for the same; and if he refuse or neglect to do so when required, or shall receive illegal fees, he shall be liable to the party paying for three times the amount so paid.

Liability for  
failure of  
same.

Officers to  
furnish  
stationery  
at own ex-  
pense.

SEC. 36. Each and every officer in this Act named shall furnish such stationery for their respective offices as they may need, at their own expense, and in no case shall such stationery be a charge against the county.

County  
advertising.

SEC. 37. The Board of Supervisors may direct in what paper the county advertising required by law shall be inserted, but in no case shall the rates exceed the sum of fifty cents per square of two hundred and fifty ems for each insertion; and all job printing required shall be let to the lowest responsible bidder. No advertising shall be a charge against the county unless ordered by the Board of Supervisors, or the Tax Collector for the delinquent tax list.

Board of  
prisoners.

SEC. 38. Board of the prisoners confined in the County Jail shall be a charge against the county, but in no case shall such board exceed the sum of fifty cents per day for each person.

Allowance  
of claims  
against  
county.

SEC. 39. The Board of Supervisors shall not allow any claim against the county unless said claim shall have been filed with the Clerk of the Board of Supervisors at least fifteen days before the meeting of said Board, except the claims of jurymen, officers of election, and the per diem and mileage of the members of the Board of Supervisors. And at each meeting of the Board the first business in order shall be the consideration of claims.

Blanks fur-  
nished by  
Board of  
Supervisors.

SEC. 40. The Board of Supervisors shall furnish for the County Clerk blanks, citizens' papers, and all blanks required under the provisions of the election laws. They shall furnish for the Auditor blank license, and for the Tax Collector all blank tax receipts required by law. They shall also furnish such record, maps, and other books for the different officers as are required by law to be kept in their respective offices.

Board of  
Supervisors  
to appoint  
an expert to  
examine  
books.

SEC. 41. It shall be the duty of the Board of Supervisors, at their regular session in the month of May, A. D. one thousand eight hundred and seventy-eight, and at their regular meeting in the same month every two years thereafter, to appoint an expert, who shall be entirely disinterested, to examine the books of each and every officer in the county whose duties are connected with the revenue of the county for the two years preceding, and see if a correct account has been rendered by the officer, and the books have been kept in accordance with law, and report on the same. It shall also be the duty of said expert to examine the fee books of each and every county officer required by law to keep a fee book, and see if the same has been kept in compliance with



the law. The compensation of such expert shall not exceed the sum of five hundred dollars, to be paid out of the Common Fund of the county. Compensation of same.

SEC. 42. An Act entitled "An Act to regulate fees of office and salaries of certain officers in the County of Colusa, and to repeal all Acts now in force in relation thereto," approved March thirty, one thousand eight hundred and seventy-four, and all Acts and parts of Acts in conflict with this Act, as far as the same are in conflict, are hereby repealed.

SEC. 43. This Act shall take effect from and after the first Monday in March, in the year of our Lord one thousand eight hundred and seventy-eight.

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CHAP. XXXII.—*An Act to pay the claim of C. H. Krebs.*

[Approved January 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of three thousand four hundred and twenty-seven and ninety one-hundredths dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to pay the claim of C. H. Krebs, assignee of J. G. Plummer, for paving Tenth Street from L to N, in the City of Sacramento, said sum being one-half the expense of paying said street between said points. Authorizing payment of claim.

SEC. 2. This Act shall be in force from and after its passage.

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CHAP. XXXIII.—*An Act to authorize certain appropriations of money by the Board of Supervisors of the City and County of San Francisco.*

[Approved January 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to exercise the following powers: Authorizing certain appropriations.

*First*—To allow and order paid out of the appropriation of the fiscal year eighteen hundred and seventy-seven and seventy-eight, for the construction and erection of cisterns and hydrants for the Fire Department, such amounts as may be required to defray the running expenses of the Fire Department during said fiscal year. Expenses of Fire Department.

*Second*—To allow and order paid out of the amount raised for the maintenance of the House of Correction in the fiscal

Demands  
against  
"General  
Fund  
Accounts."

year eighteen hundred and seventy-seven and seventy-eight, a sum or sums not to exceed in the aggregate forty-five thousand dollars, for the purpose of paying demands against any of the "General Fund Accounts" in which deficiencies exist or may occur during the said fiscal year.

SEC. 2. The Auditor and Treasurer of said city and county are hereby respectively empowered to audit and pay any demands on the treasury of said city and county that may be allowed and ordered paid under the provisions of this Act.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. XXXIV.—*An Act to repeal an Act entitled "An Act to create a Board of Public Works in and for the City of Los Angeles."*

[Approved January 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Repealing  
clause.

SECTION 1. An Act entitled "An Act to create a Board of Public Works in and for the City of Los Angeles," approved April third, eighteen hundred and seventy-six, is hereby repealed.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. XXXV.—[See volume of *Amendments to the Codes.*]

CHAP. XXXVI.—*An Act authorizing John Parrott, Samuel Clark, J. L. Keagle, Rufus Franklin, William Heart, Robert Boyce, D. P. McNeal, their associates and assigns, to construct, maintain, complete, and repair certain levees in San Joaquin County.*

[Approved January 24, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Construc-  
tion, main-  
tenance, and  
repair of cer-  
tain levees  
given to cer-  
tain persons.

SECTION 1. The right is hereby granted to John Parrott, Samuel Clark, J. L. Keagle, Rufus Franklin, William Heart, Robert Boyce, D. B. McNeal, their associates and assigns, to construct, maintain, complete, and repair certain levees on the south bank of the Mokelumne River, in San Joaquin County, and commencing for the same near the southeast

corner of the southeast quarter of section thirty-five, in township four north, range six east, and running thence down said river on the second bench, and as near said river as practicable, and connecting with a levee already constructed; then commencing at the lower end of said levee and running from thence to half section line in section thirty-four, township four north, range number six east; then commencing near the northeast corner of the northeast quarter of section thirty-three, township number four north, range number six east, and running thence along the second bench as near said river as practicable, to a certain live oak tree, near the northeast corner of the southeast quarter of section seventeen, township number four north, range number six east.

SEC. 2. The parties aforesaid, their associates and assigns, may construct the said levee of such dimensions as in their judgment they may deem proper, and may acquire right of way for said levees, and may take materials for the construction, maintenance, completion, and repairs thereof from either side of said levees. Dimension of levees.

SEC. 3. If the parties aforesaid, their associates and assigns, cannot procure consent of the owners of the lands or material needed, they may proceed under the provisions of Title Seven, Part Three, of the Code of Civil Procedure, for the condemnation thereof. Condemnation of same.

SEC. 4. The levees already constructed at certain points along the line of said proposed levee are hereby legalized.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. XXXVII.—*An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, one thousand eight hundred and seventy-six, so as to make the same applicable to the County of San Benito.*

[Approved January 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eight of an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, one thousand eight hundred and seventy-six, is hereby amended to read as follows: Section 8. Section three of this Act shall not apply to the Counties of Los Angeles, San Diego, Sutter, Del Norte, El Dorado, Colusa, Yuba, Humboldt, Amador, Tuolumne, San Luis Obispo, Plumas, Lassen, Siskiyou, Modoc, Shasta, Trinity, Sierra, and Placer. Making provisions applicable.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. XXXVIII.—*An Act authorizing and empowering the Trustees of Dockery School District, in the County of Butte, to repay certain money, etc.*

[Approved January 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Authorizing  
Trustees to  
draw order.

SECTION 1. The Trustees of Dockery School District, in the County of Butte, State of California, are hereby authorized and empowered to draw and deliver their order upon the School Superintendent of Butte County aforesaid, in favor of the several parties who have paid the amount assessed upon their property in said school district, for the school year ending June thirtieth, A. D. eighteen hundred and seventy-seven, less five per cent.

Superin-  
tendent to  
draw war-  
rant.

SEC. 2. The County Superintendent of said Butte County must, upon the presentation of such order, draw and deliver to the *bona fide* holder thereof his warrant upon the County Treasurer, in manner and form as other warrants are drawn by him upon said school district.

Payment of  
same.

SEC. 3. The County Treasurer must, upon the presentation of said warrants, pay the same out of the money in the county treasury to the credit of said school district, other than the State or county apportionment.

SEC. 4. Nothing in this Act contained shall in any manner be construed or adjudged to invalidate, or render void or voidable, any assessment or levy that may hereafter be made for district tax in said school district, under and by virtue of Article Nineteen, Chapter Three, Political Code.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. XXXIX.—*An Act in relation to roads and highways in San Diego County.*

[Approved January 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Power of  
Board of  
Supervisors.

SECTION 1. The Board of Supervisors of San Diego County shall have full control over the public roads, highways, and

bridges therein, to discontinue, abandon, lay out, open, repair, or improve the same, as in this Act hereinafter provided. Roads laid out and recorded as highways by order of the Board of Supervisors are highways. Whenever any corporation owning a toll-bridge, or a turnpike, plank, or common wagon road is dissolved, or has expired by limitations or non-user, the bridge or road becomes a highway. Highways defined.

SEC. 2. Roads laid out as provided in the preceding section shall not be vacated or cease to be highways until so ordered by the Board of Supervisors.

SEC. 3. The Clerk of the Board of Supervisors must keep a book in which he must record, separately, all proceedings of the Board relative to each road district, including orders laying out, altering, and opening roads, and in a separate book a description of each road district, its Overseers, its roads, highways, contracts, and all other matters pertaining thereto. Duty of Clerk.

SEC. 4. By taking or accepting land for a highway the public acquire only the right of way and the incidents necessary to enjoy and maintain it, subject to the regulations in this Act and the Civil Code provided.

SEC. 5. The Board of Supervisors must, by proper ordinance: Duties of Board of Supervisors.

*First*—Divide the county into a suitable and convenient number of road districts, and appoint therefor annually, or whenever vacancies occur, Overseers, upon a petition of a majority of property taxpayers of the road district, with power to remove for cause.

*Second*—Cause to be surveyed, viewed, laid out, recorded, opened, and worked such highways as are necessary for public convenience, as in this chapter provided.

*Third*—Abolish or abandon such as are unnecessary.

*Fourth*—Contract, agree for, purchase, or otherwise acquire the right of way over private property for the use of public highways, and for that purpose institute or require the District Attorney to institute proceedings under Title Seven, Part Three, of the Code of Civil Procedure, and to pay therefor from the Road Fund.

*Fifth*—Let out by contract to the lowest responsible bidder the making or improvement of highways, and the construction and repair of bridges, or other adjuncts to highways, when the amount of work to be done by contract exceeds one hundred and fifty dollars.

*Sixth*—Order and direct Overseers specially in regard to work to be done on particular roads in their districts.

*Seventh*—Cause to be erected and maintained on such highways as they may designate such mile-stones or posts, and guide-posts, as in their judgment the public wants require.

*Eighth*—Furnish to each Road Overseer a copy of this chapter.

SEC. 6. The road districts must be carefully and distinctly defined and designated by the municipal towns, or townships, or precinct lines. Until such division is made, the road districts must continue as they are at Road districts to be distinctly defined.

Board of  
Supervisors  
may alter  
road dis-  
tricts.

present defined. Road districts may be altered, changed, created, or modified by the Board of Supervisors as occasion requires; *provided, however*, that the pueblo limits of San Diego City, as defined upon the official map thereof, shall constitute a road district, under the control of the Board of Trustees of said city, who shall have full power to provide by ordinance for the collection of the road poll tax within said limits, in the same manner as the road poll tax is collected in the other road districts of the county. The funds so collected shall be used in the laying out, improvement, and maintenance of the roads within the said pueblo limits, and for no other purpose whatever.

Clerk to  
notify Over-  
seers of ap-  
pointment.

Must give  
bond.

SEC. 7. Overseers of road districts must be notified of their appointment by the Clerk of the Board of Supervisors, and within ten days thereafter must give the official bond required by the Board of Supervisors, in the order of their appointment, and take the usual oath of office; the notice and certificate that the bond has been filed, and the oath of office taken and indorsed thereon, or a certified copy thereof, constitutes a commission and authorizes the persons named in and holding the same to discharge the duties of Overseers until superseded.

Duties of  
Road Over-  
seers.

SEC. 8. Road Overseers, under the direction and supervision and pursuant to order of the Board of Supervisors appointing them, must—

*First*—Take charge of the public highways within their respective districts.

*Second*—Keep them clear from obstructions, and in good repair.

*Third*—Cause banks to be graded, bridges and causeways to be made where necessary, keep the same in good repair, and renew them when destroyed.

*Fourth*—Give two days' notice to the inhabitants of his road district liable to do work on roads when, where, with what implements, and under whose direction, to work, and superintend the same.

*Fifth*—Collect from each inhabitant notified to work and who fails to work, or prefers to pay it, the commutation fee.

*Sixth*—Make semi-annual reports of all labor performed in his district, and how all road poll tax and commutation moneys were expended, to the Board of Supervisors, under oath.

*Seventh*—Receive and present petitions for new roads, and recommend or disapprove the same.

*Eighth*—Collect all road poll taxes in the mode prescribed for the collection of other poll taxes, and faithfully account for and pay over the same.

*Ninth*—Pay over to his successor or into the county treasury all road money in his hands unexpended.

Compensa-  
tion of same.

*Tenth*—Receive for his services, from money coming into his hands belonging to his road district, the sum of three dollars for each day's services performed by him, not to exceed three hundred dollars per annum, to be audited and ordered paid by the Board of Supervisors.

SEC. 9. Every male inhabitant of a road district, over

twenty-one and under fifty years of age, must perform two days' labor annually, to be known as the road poll tax, upon the roads and highways of the district, under the demand and direction of the Road Overseer thereof, or pay such Overseer a commutation fee of three dollars. Road poll tax.

SEC. 10. Each Road Overseer must, within twenty days after being notified of his appointment and qualification, deliver to the Clerk of the Board of Supervisors a list of the inhabitants of his district liable for the road poll tax therein. This list must be laid before the Board of Supervisors at their first meeting held thereafter. Duty of Road Overseer.

SEC. 11. The Board of Supervisors must provide proper blank road poll tax receipts, to be signed by the Clerk of the Board, and must deliver to each Road Overseer a number equal to the number of inhabitants of their respective districts liable for road poll tax, take receipts therefor, and charge the Road Overseer receiving the same therewith; but credit must be given to each Road Overseer for all unsold blank road poll tax receipts returned to the Clerk of the Board of Supervisors. Poll tax receipts.

SEC. 12. Road Overseers must make out lists of the inhabitants of the road districts liable for road poll tax, and require of each the performance of the labor or the payment of the commutation, and apply such labor and commutation money in the opening, maintenance, and repair of the highways and bridges in their respective road districts. Application of labor and commutation money.

SEC. 13. The Road Overseers must, from time to time, add to the lists the names of persons liable for road poll taxes who were omitted, or who have become inhabitants of his district since the original list was made, and enforce the road poll tax, or collect the commutation fee therefor, and apply the same as hereinbefore provided. Correction of list.

SEC. 14. Every Overseer must make to the Board of Supervisors, on the first Monday of July and January of each year, a written account, under oath, containing: Duty of Overseer.

*First*—The names of all persons assessed to work in his district.

*Second*—The names of all who actually have worked, and the number of days worked by each.

*Third*—The names of all who have commuted, and the amount received from them.

*Fourth*—The names of all delinquents, and the amount collected from them.

*Fifth*—A full return, by items, of the amount of labor and money expended at each separate point, and the manner in which, and the time when, the same was done.

*Sixth*—The number of road poll tax receipts sold and those returned unsold.

*Seventh*—An accurate account of every day he himself was employed, and the nature and the items of the service rendered.

SEC. 15. Road Overseers must accompany their reports with all unexpended moneys remaining in their hands at the date of their report. Unexpended moneys.

SEC. 16. A failure to make report as required, or to pay

Penalty for failure to report.

over, on the order of the Board of Supervisors, any moneys in his hands, subjects the Overseer to a penalty of twenty-five dollars, to be recovered in an action on his bond, together with any balance due from him; suit therefor may be instituted by the District Attorney, under order of the Board of Supervisors.

SEC. 17. Road Overseers must not require an individual to work out of the district in which he resides.

Liability of employers.

SEC. 18. Corporations, or other employers of residents in any highway district, are responsible for the road poll tax assessed against their employes, and a notice to the employer or managing agent, requiring the payment of the road poll tax of the employe, charges such employer or corporation with such road poll tax.

Length of time to work.

SEC. 19. Each person appearing must actually work eight hours each day, to be credited to him by the Overseer. For every hour unnecessarily lost or idled away he must be charged two hours, to be worked out on some other day, under notice from the Overseer. Any person may work by an able-bodied substitute.

Substitute.

SEC. 20. Every person receiving due notice who does not appear and work, or commute, is delinquent.

SEC. 21. The Overseer's acceptance for an excuse for a neglect in no case exempts the person excused from performing or commuting for the whole number of days for which he was assessed.

New road, petition for.

SEC. 22. Any ten inhabitants of a road district, taxable therein for road purposes, may petition, in writing, the Board of Supervisors to alter or discontinue any road, or to lay out a new road therein.

Contents of petition.

SEC. 23. The petition must set forth and describe particularly the road to be abandoned, discontinued, altered, or constructed, and the general route thereof; over what lands, and who the owners thereof are; whether the owners consent thereto, and if not, the probable cost of the right of way; the necessity for and the advantages of the proposed change.

Bond of petitioners.

SEC. 24. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the Supervisors, in double the amount of the probable cost of the viewing and laying out or altering of any road, conditioned that the bondsmen will pay all the costs of viewing and surveying in case the prayer is not granted and the road not opened.

Viewers.

SEC. 25. Upon filing such petition and bond, the Board of Supervisors must appoint three Viewers, one of whom must be a surveyor, to view and survey any proposed alteration of an old or opening of a new road, to be made in accordance with the description in the petition, and submit to the Board an estimate of the cost of the change, alteration, or opening, including the purchase of the right of way, and their views of the necessity thereof.

Qualification and duties of Viewers.

SEC. 26. The Road Viewers must be disinterested citizens of the county, but not petitioners; they must be sworn to discharge their duties faithfully, must view and lay out the



proposed alteration or new road over the most practicable route; notify the owners of land over which it passes of the proposed route; ascertain whether the owners consent thereto, and the amount, if any, they claim or demand for the right of way over the same; estimate the actual damages to any land over which it passes, and the cost of any bridges or grading necessary, the necessity for and public convenience to be subserved by the road, and whether the opening thereof or change therein proposed should be had.

SEC. 27. When the view and survey of the proposed alteration or new road is completed, the Viewers must report to the Board of Supervisors:

Duties of Viewers.

*First*—The course, termini, length, and cost of construction of the proposed road.

*Second*—The estimate of damages to the owner of any land over which it is proposed to run the road.

*Third*—The names of land owners who consent or give the right of way, and their written consent thereto.

*Fourth*—The names of land owners who do not consent, and the amount of damages claimed by each.

*Fifth*—Such other facts bearing upon the subject of importance to be known by the Board of Supervisors.

SEC. 28. No report of Viewers must, by the Board of Supervisors, be approved, which, without the consent of the owner and occupant, would have the effect to open a road—

*First*—Through an orchard of four years' growth.

*Second*—Through a garden or yard four years cultivated.

*Third*—Through buildings, or fixtures, or erections, for the purpose of residence, trade, or manufacture.

*Fourth*—Through inclosures, necessary for the use or enjoyment of the buildings, fixtures, or erections; or

*Fifth*—Through inclosed or improved lands, unless the Board of Supervisors are satisfied, from personal examination and observation, or from the sworn statement of at least ten residents of the road district, who are owners of real estate therein, that the opening of such road through such premises is a necessity, a great public benefit, or a great convenience to a moiety of the inhabitants of the district.

SEC. 29. The Viewers must be paid three dollars each per day for their services, out of the Road Fund of the county, and the surveyor his legal fees for services in running out and mapping the road, and making the plat and field notes, which must be filed, when required, before he receives his compensation.

Per diem of Viewers.

SEC. 30. The Board of Supervisors, on the coming in of the report, must fix a day for hearing the same; must notify the owners of land not consenting to give the right of way of the hearing, by having written notice served on them personally, or on the occupant or agent of the owner, or if neither, by posting notice at the most conspicuous place on the land, or left at the owner's, agent's, or occupant's residence ten days prior to the day fixed for the hearing; and must, on the day fixed, or to which it may be postponed or adjourned, hear evidence and proof from all parties interested, for and against the proposed alteration or new road;

Supervisors to hear evidence and declare damages.

ascertain, and by order declare, the amount of damages awarded to each non-consenting land owner, and declare the report of the Viewers to be approved or rejected.

Road to be opened.

SEC. 31. If the Board approve the report, and there are no non-consenting land owners, the road must, by order, be declared a public highway, and the Road Overseer ordered to open the same to the public. If there are non-consenting land owners, the Board must appropriate from the Road Fund, and cause the Road Overseer to tender to such non-consenting land owners the award for damages made by the Board. If the awards are all accepted, the road must be declared a public highway and be opened as before provided.

Board to procure right of way by an action.

SEC. 32. If any award of damages is rejected by the land owners, the Board must, by order, direct proceedings to procure the right of way to be instituted by the District Attorney of the county, under and as provided in Title Seven, Part Three, of the Code of Civil Procedure, against all non-accepting land owners; and when thereunder the right of way shall have been procured, the road shall be declared a public highway and opened as hereinbefore provided. But if any non-consenting land owner does not recover a greater amount of damages than shall have been allowed him by the Board of Supervisors, then he shall pay all costs and expenses incurred by reason of any suit or other proceeding instituted in the matter.

Awards, how paid.

SEC. 33. All awards by agreement, ascertainment by the Board, or by the proper Court, must be paid out of the Road Fund.

Width of highways.

SEC. 34. All highways must be at least fifty feet wide; *provided, however*, that the Board of Supervisors may establish a less width for such highways as may be constructed in a hilly or mountainous country, requiring excavations or filling of ravines.

Private roads may be opened.

SEC. 35. Private or by-roads may be opened as provided in section twenty-seven hundred and eleven of the Political Code.

Instrument in writing or decree of Court must be given.

SEC. 36. In all cases where consent to use the right of way for a highway is voluntarily given, purchased, or condemned and paid for, either an instrument in writing conveying the right of way, and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the decree of the Court condemning the same, must be made, and filed and recorded in the office of the Recorder of the county.

Owners to prepare their own roads, etc.

SEC. 37. Whenever highways shall be laid out to cross railroads, canals, or ditches on public lands, the owners or corporations using the same must, at their own expense, so prepare their roads, canals, or ditches that the public highway may cross the same without danger or delay; and when the right of way for a public highway is obtained through the judgment of any Court over any railroad, canal, or ditch, no damages must be awarded for the simple right to cross the same.

Owners to remove fences.

SEC. 38. When the alteration of an old or the opening of a new road makes it necessary to remove fences on land given,

purchased, or condemned by order of a Court for road or highway purposes, notice to remove the fences must be given by the Road Overseer to the owner, his occupant or agent, or by posting the same on the fence; and if the same is not done within ten days thereafter, or commenced and prosecuted as speedily as possible, the Road Overseer may cause it to be carefully removed, at the expense of the owner, and recover of him the cost of such removal, and the fence material may be sold to satisfy the judgment.

SEC. 39. All public bridges, not otherwise specially provided for, are maintained by the county in the same manner as highways, and are under the control and management of the Road Overseers of the district in which situated, and of the Board of Supervisors, the expense of constructing, maintaining, and repairing the same being payable out of the road funds in the hands of the Road Overseers, or from the County Road Fund in the county treasury.

Public bridges constructed in same manner.

SEC. 40. No bridges, the cost of the construction and repair of which will exceed the sum of fifty dollars, must be constructed or repaired except on order of the Board of Supervisors. When roads, public highways, or bridges are ordered to be constructed or repaired, the contract therefor must be let out to the lowest responsible bidder, after reasonable notice given by the Board of Supervisors, through the Road Overseer, by publication at least two weeks in a county newspaper, and also by posting three public notices, specifying, as near as may be, the kind and quantity of work to be done; one to be posted at the Court-house door, one at the point to be bridged, and one at some other neighboring public place. The bids submitted shall be sealed, and shall be opened and the contract awarded at the time specified in the notice; *provided, however,* that the Board of Supervisors have the privilege of rejecting any and all bids. The contract and bond to perform it must be entered into to the approval of the Board of Supervisors.

Manner of letting contract.

SEC. 41. If the Overseer of any road district, chargeable with the repair of a bridge, fails to make the needed repairs, after being informed that a bridge is impassable or unsafe, and is requested to make the same by two or more freeholders of the district in which it is situate, or the two districts which it unites, the freeholders may represent the facts to the Board of Supervisors, who, upon being satisfied that the bridge is unsafe, must cause the same to be repaired, and must pay therefor out of the Road Fund of the county.

Supervisors to repair neglected bridges.

SEC. 42. Road Overseers must, in their official reports, give a full account of all bridges of which they have, in whole or in part, the charge and maintenance; those constructed or repaired, and the cost thereof; the amounts expended thereon, from what source derived, and the present and prospective condition thereof.

Reports of Road Overseers.

SEC. 43. If any highway, duly laid out or erected, is encroached upon by fences, buildings, or otherwise, the Road Overseer of the district may, orally or in writing, require the encroachment to be removed from the highway.

Road Overseer may remove encroachment.

Action to  
abate as a  
nuisance.

SEC. 44. If the encroachment is denied, and the owner, occupant, or person controlling the matter or thing charged with being an encroachment, refuses either to remove or to permit the removal thereof, the Road Overseer must commence, in the proper Court, an action to abate the same as a nuisance, and if he recovers judgment he may, in addition to having the same abated, recover ten dollars for every day such nuisance remained after notice, and also his costs in said action.

Encroach-  
ment not  
denied.

SEC. 45. If the encroachment is not denied, but is not removed for five days after the notice is complete, the Road Overseer may remove the same at the expense of the owner, occupant, or person controlling the same, and recover his costs and expenses, as also for each day the same remained after notice was complete the sum of ten dollars, in an action for that purpose.

Gates  
allowed on  
highways.

SEC. 46. No gates must be allowed on any public highway duly laid out, except on highways running through lands subject to overflow to such extent as to remove the fences. When so allowed, they must be erected and maintained at the expense of the owner or occupant at whose request or for whose benefit they were erected. If such expense is not paid the gate must be removed as an obstruction.

Penalty for  
leaving gate  
open.

SEC. 47. Any one who leaves open such gate, or willfully and unnecessarily rides over ground adjoining the road on which the gate is erected, forfeits to the injured party treble damages.

Obstruction  
of highways.

SEC. 48. Whoever obstructs or injures any highways, or obstructs or diverts any water-course thereon, is liable to a penalty of five dollars for each day such obstruction or injury remains, and must be punished as provided in section five hundred and eighty-eight of the Penal Code.

Injury to  
guide-posts.

SEC. 49. Whoever removes or injures any mile-board, or mile-stone, or guide-post, or any inscription on such, erected on any highway, is liable to a penalty of ten dollars for every such offense, and punishable as provided in section five hundred and ninety of the Penal Code.

Failure to  
remove  
obstruction.

SEC. 50. Any person may notify the occupant or owner of any land from which a tree or other obstruction has fallen upon any highway, to remove such tree or obstruction forthwith. If it is not so removed, the owner or occupant is liable to a penalty of one dollar for every day thereafter till it is removed, and the cost of removal.

SEC. 51. Whoever cuts down a tree so that it falls into the highway must forthwith remove the same, and is liable to a penalty of five dollars for every day the same remains in such highway.

Fast driving  
on bridges.

SEC. 52. Road Overseers may put up on bridges under their charge notices that "There is five dollars fine for driving or riding over this bridge faster than a walk." Whoever thereafter rides or drives faster than a walk on such bridge is liable to pay a fine of five dollars for such offense.

Injury to  
trees

SEC. 53. Whoever digs up, cuts down, or otherwise injures or destroys any shade or ornamental tree planted or stand-

ing on any highway, unless the same may be deemed an obstruction by the Road Overseer, and removed under his direction, forfeits twenty-five dollars for each such tree.

SEC. 54. All penalties and forfeitures given in this Act, and not otherwise specially provided for, must be recovered by the Road Overseers, and applied on the highways in the districts where collected. Application of penalties.

SEC. 55. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 56. This Act shall be in force from and after its passage.

CHAP. XL.—*An Act to authorize the transfer of moneys in certain funds of the County of Alameda to the General Fund of said county, and to provide for the payment of certain warrants, if any, now outstanding.*

[Approved January 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Board of Supervisors of the County of Alameda are hereby authorized and empowered to direct the Treasurer and Auditor of said county to transfer to the General Fund of said County of Alameda the following sums, to wit: The sum of seven hundred and eleven dollars and eighteen cents, balance remaining in the Bounty Fund; the sum of two hundred ninety-six dollars and ninety-one cents, balance remaining in the Jail and Recorder's Office Fund; the sum of forty-one dollars and ninety-five cents, balance remaining in the Oakland Township Road Fund; and the sum of one hundred and thirty-one dollars and fifteen cents, balance remaining in the San Leandro Bay Bridge Fund. Transfer of moneys.

SEC. 2. All warrants registered against said Bounty, Jail and Recorder's Office, Oakland Township Road, and San Leandro Bay Bridge Funds, and now outstanding and unpaid, shall, after said transfer, upon presentation, be paid from the said General Fund of Alameda County; *provided*, that the said outstanding warrants, if any, so paid shall not exceed, in the aggregate, the amounts of the several sums so transferred, and which are herein specified. Outstanding warrants to be paid.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. XLI.—*An Act to authorize the Trustees of Lower Lake School District, of Lake County, to issue bonds to pay for the Nichols School Building.*

[Approved January 25, 1873.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Bonds  
issued.

SECTION 1. The Trustees of Lower Lake School District, in the County of Lake, and State of California, are hereby authorized and empowered to issue bonds of said school district to the amount of not to exceed eight thousand dollars, payable in gold coin twelve years after date of said bonds, to bear interest at the rate of ten per cent. per annum, payable annually in gold coin, at the office of the County Treasurer of said Lake County, for the purpose of paying for the construction of the "Nichols School Building," the property of said school district.

Denomina-  
tion of  
bonds.

SEC. 2. The said bonds shall be of the denomination of one hundred dollars each, with coupons for interest attached, and shall be signed by the Chairman and Clerk of said Board of Trustees, and by the School Superintendent of said county, and by the County Auditor of said county, and shall be authenticated by the seal of said County Auditor, and each of said bonds shall purport that the said school district owes to the holder thereof the sum of one hundred dollars in gold coin, payable and bearing interest as aforesaid.

Bonds to be  
signed, by  
whom.

SEC. 3. The said School Superintendent must sign said bonds when the same shall have been issued and signed by said Chairman and Clerk of the Board of Trustees, and the said Auditor must sign and authenticate with the proper seal each of said bonds after the same have been signed by said School Superintendent.

Election  
of certain  
officers.

SEC. 4. Within three months after the issuance of any bonds under the provisions of this Act, and every four years thereafter until all the bonds and the interest thereon are fully paid, the qualified electors of Lower Lake School District shall elect one District Assessor, and one District Tax Collector for said district; *provided, however,* and it is hereby provided, that the same person may hold both offices. The first election of said officers shall be held at such time and place as shall be designated by the Trustees of said school district; all subsequent elections for Assessor and Collector as above mentioned, shall be held at the same time and place as is by law required for the election of District Trustees, and notice of such election must be given, officers to conduct the same must be appointed, and the same must be conducted in all respects as the law requires for the election of District Trustees, except in this, that the officers conducting said election must, within three days thereafter, make return thereof to said Board of Trustees, and said Board must canvass said election returns, and must issue thereupon certificates of election to the person or persons having received the highest number of votes cast. The term of

Term of  
office.

office of the person or persons so elected at the first election shall commence on the reception of a certificate of election and qualifying as herein provided, and shall continue until the first Monday in July in the fourth year after his or their election; and thereafter the term of said officers shall commence on the first Monday in July after their election, and continue for four years, and until their successors are elected and qualified. The person or persons elected to said offices, within ten days after receiving their certificates of election, must each qualify by taking the oath of office and executing and filing with the District Clerk an official bond in the sum of four thousand dollars; said bonds to be executed in the same manner as other official bonds, and to be approved by the Board of Trustees of said district.

Oath of office.

Official bond

SEC. 5. It shall be the duty of the District Assessor, immediately after his election as such Assessor, and thereafter on the second Monday in July in each year, to commence making an assessment of all property in said district, both real and personal, liable to taxation. Such assessment shall be made in the same manner as the assessment for State and county purposes is required by law to be made; and said District Assessor, within his district, shall have and exercise all power conferred by law upon County Assessors. Said assessment in each year shall be finished, and the assessment roll delivered to the Board of Trustees of said district, on the last Monday in August of each year.

Duty of District Assessor.

SEC. 6. The Trustees, after receiving the assessment roll from the Assessor, must give five days' notice thereof, by posting notices in three public places in said district, and at such times and places as have been named in such posted notices they must sit as a Board of Equalization. Their sessions as such must continue for at least two days, and not more than five days. During their session they must equalize said assessment, and for that purpose they have the same power as the County Board of Equalization to make any change in said assessment roll, as soon as the work of equalization has been completed. The Trustees must levy a tax upon the property in said district sufficient in each year to pay all the interest accruing on all the bonds issued under the provisions of this Act during the year, and all the expenses of assessing and collecting said tax; also, sufficient to create a redemption fund of not less than four hundred dollars, nor more than one thousand dollars annually. They shall also compute the rate to be levied, as required by the Political Code in relation to other district taxes, and said taxes, when so levied, shall be a lien upon all the property in said district upon which they are assessed, which lien shall attach in each year on the second Monday in July, and shall continue until said taxes are fully paid, or until the property upon which the same has been assessed rest absolutely in a purchaser under a valid sale for the satisfaction of such taxes.

Trustees to give notice.

Power of Board of Equalization.

Interest tax.

Redemption fund tax.

Taxes to be a lien on property.

SEC. 7. Immediately after the levy of the taxes aforesaid, the District Clerk and the Assessor must compute and carry out on the assessment roll the amount of taxes due from

Duty of District Clerk and Assessor.

each person or each parcel of property assessed, in the same manner as the law requires the Auditor to do in the county assessments; and on the first Monday in October of each year the Clerk of the district must deliver to the District Collector the district assessment roll, duly certified by the said Clerk, and he must take a receipt therefor from said Collector, and must charge him with the full amount of the taxes due thereon; and said District Clerk must immediately forward a copy of said receipts, certified to by him, to the County Auditor of said Lake County.

Duty of  
District  
Collector.

Delinquent  
taxes.

Power of  
District Tax  
Collector.

SEC. 8. The District Collector, after receiving said assessment roll, must collect the taxes due thereon from the persons and property assessed, in the same manner as the County Tax Collector is by law required to collect State and county taxes; and the taxes remaining unpaid on said district assessment roll shall, in each year, become delinquent at the same time State and county taxes become delinquent, and on said delinquent taxes the same percentage shall be allowed, and they shall be collected in the same manner as delinquent State and county taxes. For the purpose of collecting said taxes, the District Tax Collector shall have and exercise, within said district, the same powers that are by law conferred upon the County Tax Collector. The District Tax Collector must pay over all moneys collected by him to the County Treasurer, and must make settlement therefor, with both the County Auditor and the District Clerk, at the same time and in the same manner as the County Tax Collector is required by law to do in relation to State and county taxes.

Duty of  
County  
Auditor.

SEC. 9. The County Auditor, upon receiving the copy of the receipt of the Tax Collector, provided for in section seven of this Act, must charge the District Collector with the amount of taxes receipted for, in an account to be kept by him, and must make settlement with him, in relation to said district assessment roll, in the same manner that he is required to charge the County Tax Collector and settle with him on account of State and county taxes; and upon receiving from said Collector the Treasurer's receipts for moneys paid him on account of such taxes, the County Auditor must charge the County Treasurer with the amounts specified in such receipt.

Duty of  
County  
Treasurer.

SEC. 10. It shall be the duty of said County Treasurer to place all moneys paid into the county treasury, by virtue of this Act, to the credit of said school district, and shall be subject to and be used by said Trustees for the payment of the interest of said bonds, and for their redemption, in the manner hereinafter provided, and for the expense of assessing and collecting said taxes.

Power of  
School  
Trustees.

SEC. 11. The said School Trustees of Lower Lake School District are hereby empowered to use the said bonds, or the money realized from the sale thereof, or any part of either the bonds or said money so realized, for the payment of all debts incurred in the construction of said "Nichols" School building, and for no other purpose.

SEC. 12. The said bonds shall be sold by the said School



Trustees to the person or persons offering the highest price therefor; *provided*, that said bid or bids shall not be less than ninety per cent. of the par value thereof. For the purpose of selling said bonds it shall be the duty of said School Trustees to advertise the same for sale at least six days in some daily newspaper published in San Francisco, and for two weeks in some newspaper published in Lake County, inviting proposals for the purchase thereof; and the purchasers whose bids shall be accepted shall pay to the Trustees of the district the amount bid by them, and shall be entitled to receive from said Trustees the bonds so purchased; and the Trustees of said school district must appropriate and disburse said money so received as directed by section eleven of this Act, and for no other purpose. Whenever there shall be four hundred dollars in said interest and redemption fund in excess of the amount required to pay the interest for that year, the School Trustees shall give notice, by one week's publication in some newspaper published in Lake County, that sealed proposals, directed to them, for the surrender of the bonds of said school district, will be received by them until a certain time, to be designated in said notice. On the day and at the place named in said notice, they shall open all proposals received for the surrender of said bonds, and accept the lowest bids offered until they shall have accepted an amount sufficient to exhaust the money in said fund not then required for the payment of said interest; *provided*, that no bid for more than par value shall be accepted, nor any bid unless the bonds to be surrendered accompany the bid. All bonds so redeemed shall be canceled by writing the word "paid" across the face of the bond, with the date of the surrender of the same, which shall be signed by the Chairman of the Board of Trustees. Should no bids be received for par value or less, the money in said fund shall be used for the redemption of said bonds according to their number and the date of their issue, and the said School Trustees shall give the same notice as is by law required in the case of redemption of county warrants, and after thirty days from the date of said notice the bonds proposed to be redeemed shall cease to draw interest, and if any such bonds shall not be presented for redemption within three months from the date of such notice, said Trustees shall apply the money for the redemption of bonds next in order according to the number of their issue. In the year eighteen hundred and ninety, *provided* said bonds shall not have been all previously redeemed, there shall be levied and collected in said school district, in the manner hereinbefore provided, an amount of money sufficient to redeem and pay all the said bonds then remaining unpaid. Each of the officers named herein shall be responsible on his official bond for all acts performed by him under the provisions of this Act.

Sale of bonds.

Redemption of bonds.

Cancellation.

Bond redemption tax.

SEC. 13. The District Assessor and District Tax Collector, for the services required of them under the provisions of this Act, shall each receive a salary of fifty dollars per annum, which shall be payable annually, on the first

Salary of District Assessor and Tax Collector.

Monday in January of each year, out of the moneys received from taxes in the Lower Lake School District Interest and Redemption Fund, under the provisions of this Act, and on the first Monday in January of each year the Trustees of said Lower Lake School District shall audit the salaries then due the said Assessor and Collector, and order the same paid, and, upon the filing of such order with him, the County Superintendent shall issue his warrant for the amount therein specified, in the same manner as he is required to issue other warrants, and upon presentation of such school warrant the County Treasurer shall pay the salaries of said Assessor and Collector out of the moneys in the Lower Lake School District Interest and Redemption Fund, as above provided.

No compensation allowed to other officers.

Vacancy.

Boundaries shall not be diminished.

SEC. 14. No other officers, except the Assessor and Collector, charged with any duties under the provisions of this Act, shall be allowed to receive any compensation for any service. In case of vacancy occurring by death, resignation, or otherwise, in the offices of Assessor or Collector, or both, the Board of Trustees shall, ten days thereafter, order an election to fill the vacancy, as provided in section four of this Act.

SEC. 15. From the time of the issuance of any bonds, as hereinbefore authorized, until their payment and redemption, the boundaries of said Lower Lake School District, as now constituted, shall not be diminished. The moneys to be raised for the payment of principal and interest of the bonds provided for in this Act shall be raised exclusively by taxes, to be levied upon the property within the Lower Lake School District, as defined by the Board of Supervisors of Lake County.

SEC. 16. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 17. This Act shall take effect and be in force from and after its passage.

CHAP. XLII.—*An Act to extend the time for publishing the delinquent tax list in the Counties of San Luis Obispo, Santa Barbara, San Benito, Ventura, Fresno, Tulare, Kern, Merced, Mariposa, Inyo, and Stanislaus.*

[Approved January 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Extension of time allowed.

SECTION 1. The time for publishing the delinquent tax list, as provided for in section thirty-seven hundred and sixty-four of the Political Code, in the Counties of San Luis Obispo, Santa Barbara, San Benito, Ventura, Fresno, Tulare, Kern, Merced, Mariposa, Inyo, and Stanislaus, for the fiscal year ending July, A. D. eighteen hundred and seventy-eight, is hereby extended from the first Monday in February, as

provided in said section of the Political Code, to the first Monday in July in said year. This Act shall only apply to said fiscal year named above.

SEC. 2. On said first Monday in July, eighteen hundred and seventy-eight, or within one week thereafter, the respective Tax Collectors, in and for said counties, shall proceed to publish said delinquent list, including only assessments that at that time remain unpaid, and shall, in all other respects, then, as herein provided, proceed as directed in the Political Code to enforce the collection of the tax due on said delinquent list. Publication of delinquent list.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. XLIII.—*An Act to confer additional powers upon the City Assessor of the City of Stockton.*

[Approved February 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. In addition to the powers now conferred upon the City Assessor of the City of Stockton, he shall have, and may lawfully exercise, the power and authority, and shall perform the duties in this Act named. Additional powers.

SEC. 2. The City Assessor of the City of Stockton must collect the taxes on all personal property when, in his opinion, said taxes are not a lien upon real property sufficient to secure the payment of the taxes, and every tax due to said city upon personal property is a lien upon the real property of the owner thereof from and after the time the same becomes delinquent. Personal property tax.

SEC. 3. In the cases provided for in the preceding section of this Act, at the time of making the assessment, or at any time before the first Monday in April in each year, the Assessor may collect the taxes by seizure and sale of any personal property owned by the person against whom the tax is assessed. Collection by seizure and sale.

SEC. 4. The sale must be made at public auction, and of sufficient amount of the property to pay the taxes, percentage, and costs. Sale, how made.

SEC. 5. The sale must be made after one week's notice of the time and place thereof, given by publication in a newspaper in the City of Stockton, or by posting in three public places. Publication of notice.

SEC. 6. For seizing and selling personal property the Assessor may charge, in each case, the sum of three dollars. Fee.

SEC. 7. On payment of the price bid for any property sold, the delivery thereof, with a bill of sale, vests the title thereto in the purchaser. Bill of sale.

SEC. 8. All excess over the taxes, per cent., and costs of

Excess to be returned to owner. the proceeds of any such sale must be returned to the owner of the property sold, and until claimed must be deposited in the city treasury, subject to the order of the owner, heirs, or assigns.

SEC. 9. The unsold portion of any property may be left at the place of sale at the risk of the owner.

Amount, how fixed. SEC. 10. The City Assessor shall be governed, as to the amount of taxes to be by him collected on personal property, by said city rate of the preceding year.

Excess to be returned. SEC. 11. When the rate is fixed for the year in which such collection is made, then if a sum in excess of the rate has been collected, the excess must be repaid to the person from whom the collection was made or to his assignee.

Deficiency, how collected. SEC. 12. If a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected.

Duty of Assessor. SEC. 13. The Assessor, on the first Monday of each month, must make a settlement with the City Clerk, and must pay into the city treasury all moneys collected by him for such taxes during the preceding month.

Duty of City Clerk. SEC. 14. The City Clerk must, as soon as the assessment roll for the year comes into his hands, note opposite the names of each person from whom taxes have been collected the amount thereof.

Same. SEC. 15. As soon as the rate of taxation for the year is fixed, the City Clerk must note, in connection with the entry made under the provisions of the preceding sections of this Act, the amount of the excess or deficiency.

SEC. 16. This Act shall take effect immediately.

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CHAP. XLIV.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provision for deficiency in the Street Department Fund of fiscal year eighteen hundred and seventy-seven and seventy-eight.*

[Approved February 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Provision for deficiency made.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered, in estimating the amount required for the Street Department Fund for the fiscal year eighteen hundred and seventy-eight and seventy-nine, to include in said estimate any amount, not to exceed in the aggregate the sum of one hundred thousand dollars, that may remain due or unpaid for street work performed or contracted for on accepted streets, from and including the third day of December, eighteen hundred and seventy-seven; and in the same manner and at the same time as other taxes in said city and county are levied, to make such levy upon the taxable property of said

city and county for the fiscal year eighteen hundred and seventy-eight and seventy-nine as may be sufficient to pay off said one hundred thousand dollars.

SEC. 2. The Auditor of the City and County of San Francisco is hereby authorized and empowered, upon receiving demands on the treasury, allowed and ordered paid by the Board of Supervisors of said city and county, under the provisions of this Act, for street work performed, to audit the same. Auditor to audit same.

SEC. 3. Nothing in this Act shall be so construed as authorizing the Board of Supervisors, or other officers of said city and county, to contract any liability, or audit or pay any demands, other than provided for by this Act, after the expiration of the fiscal year eighteen hundred and seventy-seven-seventy-eight, in excess of the amounts prescribed by statute.

SEC. 4. This Act shall take effect and be in force from and after its passage.

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CHAP. XLV.—[See volume of *Amendments to the Codes.*]

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CHAP. XLVI.—*An Act to provide for the payment of certain outstanding road bonds of Plumas County.*

[Approved February 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Plumas County are hereby authorized to issue and sell road bonds to an amount not exceeding twelve thousand dollars, payable at the option of the said Board of Supervisors at any time within twenty years from the date of the issuance of said bonds, in gold coin of the United States, and to bear interest at the rate of eight per cent. per annum, payable annually, on the first day of March of each year, in gold coin of the United States. Board of Supervisors to issue and sell road bonds.

SEC. 2. Said bonds shall be in sums of not less than one hundred dollars nor more than five hundred dollars, and shall be signed by the Chairman of the said Board and the Treasurer of said county, and shall have the seal of the Board affixed thereto by the Clerk of said Board. Coupons for the interest shall be attached to each bond, signed by the Chairman of said Board and the Treasurer of said county. Denomination of bonds.

SEC. 3. Before the sale of said bonds, the said Board shall, at a regular meeting of the Board, cause to be entered on the record thereof an order directing the sale of a specified amount of said bonds, and the day and the hour of such sale, and shall cause a copy of such order to be inserted in a newspaper published in said county, for at least four weeks, Sale of bonds.

and in any other newspaper published in the State, at their discretion, and a notice that sealed proposals will be received by said Board for the purchase of said bonds on the day and hour named in said order. The said Board shall open all sealed proposals received by them, and shall award the purchase of said bonds to the highest responsible bidder or bidders; *provided*, that the said Board may reject all bids; and *provided further*, that no bonds shall be sold for less than ninety-five cents in gold coin on the dollar, par value.

SEC. 4. The said Board may sell bonds at not less than par value without the notice provided for in the previous section.

Amount of  
bonds sold to  
be recorded.

SEC. 5. The amount of bonds sold, their number, date, and amount, shall be entered upon the records of said Board, in a book kept for that purpose, and a certified copy of such entries shall be furnished the Treasurer by the Clerk of said Board.

Proceeds of  
sale.

SEC. 6. The proceeds of the sale of said bonds shall be paid into the county treasury, to the credit of the "Bond Fund" provided for by the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county," approved March thirty-first, one thousand eight hundred and sixty-six; and the County Treasurer shall proceed immediately to apply said money to the redemption of all bonds outstanding against Plumas County, issued under the provisions of said entitled Act, said bonds to be paid and canceled in all respects as is provided by sections twenty and twenty-one of said Act.

Interest  
Fund.

SEC. 7. Until all the bonds issued under the provisions of this Act are redeemed, the Board of Supervisors are hereby authorized, and it shall be their duty, to levy annually, at the same time and in the same manner that other county taxes are levied, a tax on all the taxable property in the county, sufficient to pay the interest on said bonds. Said tax, when collected, shall constitute a fund for the payment of the interest on said bonds, and shall be called the "Redemption Road Bond Interest Fund;" and if any interest shall be due on said bonds, and there be no money in the said fund to pay the same, the Board of Supervisors shall order the Treasurer to transfer from any or all other funds of said county, except the School Fund, a sufficient sum to pay said interest. All moneys remaining in the said interest fund after all interest has been paid shall be applied to the redemption of bonds as hereinafter provided.

Redemption  
Fund.

SEC. 8. The Board of Supervisors may, at their discretion, in each year, until the year eighteen hundred and ninety-six, levy a tax, not to exceed in each year three cents on each one hundred dollars in value, on all taxable property in said county. The said tax, when collected, shall constitute a fund, which shall be called the "Redemption Road Bond Fund," and whenever there shall be in said fund five hundred dollars, or over, the Treasurer shall advertise in a newspaper published in said county, for the space of three weeks,

for sealed proposals for the redemption of said bonds, and in one week from the expiration of the time of such publication the said Treasurer shall open the sealed proposals, and shall pay the bonds offered at the lowest price as far as the money in said fund will go; *provided*, that no bids shall be considered for more than par value of said bonds. Should no proposals be made for par value, or less, then the money in said fund shall be used for the redemption of said bonds, according to the number of their issue, of which the Treasurer shall give notice by publication as aforesaid; and after four weeks from the first publication of said notice the bonds so proposed to be redeemed shall cease to draw interest.

Notice of redemption.

SEC. 9. In the year eighteen hundred and ninety-six, the said Board are authorized, and it shall be their duty, to levy a tax sufficient to pay one-half of the bonds then outstanding and not paid; and in the year eighteen hundred and ninety-seven, they shall provide in the same manner for the payment of all bonds issued under this Act and then not paid.

Provision of payment of outstanding bonds.

SEC. 10. Whenever any bonds shall have been paid, the Treasurer shall mark the same "Canceled," over his signature, and return the same to the Board of Supervisors, with the interest coupons not then due attached.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. XLVII.—*An Act to amend an Act entitled an Act to enable the Board of Supervisors of the County of Alameda to erect the county buildings of said county upon Washington and Franklin Plazas, in the City of Oakland, approved February fourth, eighteen hundred and seventy-four.*

[Approved February 6, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION. 1. Section three of an Act entitled an Act to enable the Board of Supervisors of the County of Alameda to erect the county buildings of said county upon Washington and Franklin Plazas, in the City of Oakland, approved February fourth, eighteen hundred and seventy-four, is hereby amended so as to read as follows: Section 3. In case such plazas shall be conveyed to the County of Alameda, as hereinbefore provided, and the same or either of them shall not be occupied by the County of Alameda for the purposes aforesaid, within six years from the delivery of such grant, the City of Oakland may have and maintain an action against the County of Alameda for a reconveyance to it of the property not thus occupied.

Reconveyance in case of non-usage.

SEC. 2. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall be in force from and after its passage.

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CHAP. XLVIII.—*An Act to authorize the District Attorney of the City and County of San Francisco to appoint a Second Assistant District Attorney.*

[Approved February 6, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appoint-  
ment of  
deputy and  
salary.

SECTION 1. The District Attorney of the City and County of San Francisco may, in writing, appoint a deputy, who shall, while in office, receive a salary of two hundred and fifty dollars a month, payable as the salary of the District Attorney is now payable by law.

SEC. 2. This Act shall take effect from and after its passage.

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CHAP. XLIX.—*An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor, Treasurer, and Superintendent of Public Streets, Highways, and Squares thereof, and to authorize an appropriation of money by said Board.*

[Approved February 6, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and directed to appropriate, from the General Fund of said city and county, the sum of thirty thousand dollars, to be expended as directed in section two of this Act.

Improvements to be made.

SEC. 2. The Superintendent of Public Streets, Highways, and Squares, in and for the City and County of San Francisco, is hereby authorized and directed to have Lobos Square, or Plaza, in said city and county, graded to the official grade of the streets bounding said square or plaza. After the grading, there shall be a top-dressing, of not less than one foot in depth, of well rotted manure and loam. Water pipes shall be laid under the same, with a sufficient number of hydrants to water the grounds. Shade trees shall be planted at proper distances, and the ground seeded down with grass and clover. The whole to be enclosed with a substantial fence, with one or more gates.

SEC. 3. The Auditor of said city and county is hereby directed to audit, and the Treasurer to pay out of the General



Fund of said city and county, upon the order of the Board of Supervisors, for the work contemplated by this Act.

SEC. 4. This Act shall be in force from and after its passage.

CHAP. L.—*An Act to ratify and confirm an ordinance of the City of Oakland entitled "An Ordinance abandoning certain streets in East Oakland," approved May twentieth, eighteen hundred and seventy-six.*

[Approved February 6, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An ordinance of the City of Oakland, in the County of Alameda, entitled "An Ordinance abandoning certain streets in East Oakland," approved May twentieth, eighteen hundred and seventy-six, is hereby, in all things, ratified and confirmed, and all claims for any right of way, or other interest which the public may have in or to the streets designated in said ordinance, are hereby abandoned and relinquished.

Ordinance  
ratified.

SEC. 2. This Act shall take effect immediately.

CHAP. LI.—[See volume of *Amendments to the Codes.*]

CHAP. LII.—*An Act to empower the Board of Supervisors of Mendocino County to sell certain road and bridge bonds, and to apply the proceeds thereof.*

[Approved February 8, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Mendocino County are hereby empowered to sell the remainder of the Mendocino County special road and bridge bonds, authorized to be issued by an Act of the Legislature entitled an Act to provide for the purchase and erection of certain bridges, and for the building and improvement of certain roads in the County of Mendocino, approved March twentieth, eighteen hundred and seventy-six, under and in accordance with the provisions of said Act, and to apply the proceeds thereof, together with the unappropriated proceeds of such bonds

Board em-  
powered to  
sell certain  
bonds.

Proceeds of  
sale.

heretofore sold, to the purchase of the toll bridge spanning Big River, on the route of the public highway leading along and near the coast of the Pacific Ocean, in said Mendocino County, and to its repairs and improvement.

Persons  
selected to  
determine  
amount to  
be paid for  
bridge.

SEC. 2. The sum to be paid for said bridge shall be determined by disinterested persons, to be selected as follows: At the first regular meeting of the Board of Supervisors of Mendocino County, after the passage of this Act, said Board of Supervisors shall select one, and within thirty days thereafter the Big River Bridge Company shall select another person, to appraise and value said bridge, and all the interest and property of the Big River Bridge Company appurtenant thereto, and if the persons so selected fail and cannot agree, the two shall select a third, and the three shall proceed to value said property and report the same to the Board of Supervisors of Mendocino County. If said Big River Bridge Company does not name a person to act as one of such appraisers within thirty days after the Board of Supervisors shall have appointed one, then said Board shall appoint three suitable and disinterested persons to appraise and report the value of said property to said Board.

Purchase of  
bridge.

SEC. 3. The Board of Supervisors of Mendocino County are authorized to pay to said Big River Bridge Company the value of said bridge and property, as found by said appraisers, and if said Big River Bridge Company refuses to accept such sum then said Board of Supervisors may erect a new bridge across said Big River, adjacent to or near the site of said bridge, at a cost not to exceed four thousand dollars, and pay therefor out of the proceeds of the sale of said bonds as aforesaid; *provided*, no more bonds shall be issued or disposed of than was provided for in the Act heretofore referred to.

Erection of  
new bridge.

SEC. 4. This Act shall take effect from and after its passage.

#### CHAP. LIII.—*An Act declaring Sonoma River, in Sonoma County, navigable.*

[Approved February 11, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Distance  
navigable.

SECTION 1. Sonoma River, in Sonoma County, State of California, is hereby declared only navigable from its mouth to a point three hundred yards along the bank of the said river south of the residence of Captain John Stofen.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. LIV.—*An Act concerning special elections.*

[Approved February 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. At any special election to be held in any county, except in the City and County of San Francisco, copies of the Great Register of such county, and in the City and County of San Francisco copies of the ward registers of said city and county, which were printed before and used at the next preceding general election, shall be used. Ward registers to be used.

SEC. 2. Before the day on which said special election is appointed to be held, the Board of Supervisors of the county, except the City and County of San Francisco, must furnish the Board of Election of each precinct in the county at least one copy of the aforesaid printed Great Register; and the Board of Supervisors of the City and County of San Francisco must furnish the Board of Election of each precinct in the county at least one copy of the ward register of the ward in which the precinct is located. If the Board cannot otherwise obtain a sufficient number of copies of the register for the purpose, it must take the copies filed in the office of the County Clerk, in pursuance of section twelve hundred and sixty-eight of the Political Code. Board of Supervisors to furnish registers.

SEC. 3. If the copy of the register which shall be furnished to any precinct shall have been used at a previous election, the letter "V" may be used instead of the word "Voted," as required by section twelve hundred and twenty-eight of the Political Code. Letter "V" to be used.

SEC. 4. It shall not be the duty of the Board of Election to post copies of the Great Register, as required by section eleven hundred and forty-nine of the Political Code.

SEC. 5. The voter, when he offers his ballot at a polling place, shall not be required to announce his number on the Great Register, as provided for in section twelve hundred and twenty-five of the Political Code. Voter not required to give number.

SEC. 6. This Act shall take effect immediately.

CHAP. LV.—*An Act to confer additional powers upon the Board of Levee Commissioners of the City of Sacramento.*

[Approved February 12, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sole and exclusive charge, care, custody, control, and management of the Sacramento Drainage Canal, in Sacramento County, and of the levees along the east bank Management of levees, to whom given.

of the Sacramento River, in Sacramento County, extending from Sacramento City to Freeport, in Sacramento County, is hereby given to J. D. Lord, H. C. Kirk, John McNeill, George H. Swinerton, John Q. Brown, Christopher Green, William F. Knox, and James McCleery, and their successors in office; and said Lord, Kirk, McNeill, Swinerton, Brown, Green, Knox, and McCleery are hereby declared to be the Board of Levee Commissioners of the City of Sacramento, with full power and authority to clear out, clean, enlarge, repair, or construct the same, or each or any or every part thereof, at such place or places as to said Board may seem best or advisable, and with full power to take dirt for the repair, enlargement, or construction of said levees from the most convenient or proper place, and with full power to construct, maintain, and repair any and all cross levees at such place or places as to the said Board may seem advisable, either in Sacramento City or from the Sacramento River to the high land lying east therefrom, and to take dirt therefor from the most convenient or proper place, and with full power to enter upon any or all land or lands, premises, or inclosures for the purposes aforesaid.

Power of  
Board.

SEC. 2. Said Board is hereby empowered to expend yearly upon the work, or any of it, mentioned in section one of this Act, such sum or sums as to the said Board may seem best, and the same shall be a legal and proper charge against the City of Sacramento, and shall be included in the annual estimate for levee purposes required to be made by said Board, and shall be paid in like manner as other expenditures by said Board are paid.

SEC. 3. This Act shall take effect from and after its passage, and all Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

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CHAP. LVI.—[See volume of *Amendments to the Codes.*]

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CHAP. LVII.—*An Act to ratify certain acts and proceedings of the Council of the City of Los Angeles.*

[Approved February 12, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Certain acts  
and proceed-  
ings ratified.

SECTION 1. All acts and proceedings of the Council of the City of Los Angeles, done since the third day of April, eighteen hundred and seventy-six, in reference to the construction, repairs, or maintenance of zangas, dams, bridges, streets, sewers, alleys, gas or gas-works, water or water-works,

public parks or buildings, or other public works, or in reference to the control of the city officers, or in reference to the expenditure of money for any of the purposes aforesaid, or in issuing bonds under existing laws for the purpose of raising money for any of the purposes aforesaid, and, generally, all acts and proceedings of the Council of said city in reference to matters coming within the purview of an Act entitled "An Act to create a Board of Public Works in and for the City of Los Angeles," approved April third, eighteen hundred and seventy-six, are hereby ratified and confirmed; and all acts of said Council since said third day of April, eighteen hundred and seventy-six, shall have the same force and validity as though said Act had not been passed.

SEC. 2. This Act shall take effect immediately.

CHAP. LVIII.—*An Act to levy taxes for county purposes and to provide for the redemption of the bonded indebtedness of El Dorado County.*

[Approved February 13, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There is hereby levied upon each one hundred dollars value of the taxable property in the County of El Dorado, for the thirtieth and thirty-first fiscal years, each, taxes as follows: For the County Current Expense Fund, seventy-five cents on the one hundred dollars; for the Hospital Fund, twenty cents; for the School Fund, ten cents; for the redemption of bonded indebtedness, fifty cents on the hundred dollars.

Taxes to be levied.

SEC. 2. There is hereby levied for hospital purposes a capitation tax of one dollar and a half on each male inhabitant of El Dorado County, over the age of twenty-one years, which said capitation tax shall be collected by the Tax Collector of said county at the same time, and payment thereof enforced in the same manner, as State poll taxes are or may be collected, and he shall retain ten per cent. of said capitation tax as his full compensation for the collection thereof. Said Tax Collector shall pay over all of such collections, less said ten per cent., monthly to the County Treasurer, who shall immediately place the same in the Hospital Fund of said county.

Capitation tax for Hospital Fund.

SEC. 3. The County Clerk, County Treasurer, and District Attorney of said county, and their successors in office, shall constitute a Board of Bond Commissioners of said county. All moneys collected as the tax designated in section one of this Act, "for the Redemption of Bonded Indebtedness," shall be set apart and placed in a fund to be known as the "Bond Redemption Fund" of the County of El Dorado. Whenever there shall be in said "Bond Redemption Fund" two thousand dollars, or more, the said Bond Commissioners

Bond Commissioners.

Bond Redemption Fund.

Redemption  
of bonds.

shall advertise in the newspaper published in said county in which the county advertising is done, for the period of four weeks, for sealed proposals for the redemption of any bonds of said El Dorado County, and ten days next after the expiration of such advertisement said Commissioners shall open all proposals, and shall pay, as far as the Bond Redemption Fund then on hand with the Treasurer will go, such bonds presented under said proposals as shall have the lowest value proposed at which they may be redeemed and liquidated; *provided*, that no bid or proposal shall be accepted for more than eighty cents upon the dollar of the face value of said bonds, exclusive of coupons or interest. When the money in said Bond Redemption Fund is insufficient to pay the full amount due on any proposal thus made and accepted, said Commissioners, if they deem it meet, may apply the money on such bonds as far as it will go, the same to be indorsed thereon in writing and signed by said Commissioners; such indorsement to specify the rate at which the sum therein named is applied in payment on said bond, which rate shall accord with the rate named in the accepted bid. All unaccepted bids, and the accompanying bonds, shall be returned to the owner or owners thereof. The Board of Commissioners shall cause to be written across the face of each bond and coupon that may be surrendered, the rate at which the same was redeemed, and the amount to be paid, which shall be signed by each member of the Board. The Treasurer of said El Dorado County shall pay the amount written and specified on the face of such bonds from the said Bond Redemption Fund, and shall mark or stamp the same as paid, giving the date of payment. All moneys remaining in said fund, unapplied, shall remain in the same, to be applied at the next opening of proposals.

Liability of  
Commissioners.

SEC. 4. The, said Commissioners, and all other officers herein mentioned, shall be liable, on their official bonds, for the faithful performance of all duties required of them under the provisions of this Act, and shall in all things herein required of them be subject to all the liabilities and penalties to which they are subjected in the performance of any other of the duties of their respective offices, and said Commissioners, and other officers, shall not receive any compensation for any services required of them under the provisions of this Act other than that allowed them by law for the performance of the duties of their respective offices.

Compensation.

Provisions of  
Code of Civil  
Procedure  
not applicable.

Proviso.

SEC. 5. The provisions of the Code of Civil Procedure, limiting the time of commencing civil actions, shall not apply to the bonded indebtedness herein mentioned, from the passage of this Act until the commencement of the next session of the Legislature, nor to any action to be brought thereon; *provided*, that this section or Act, or anything therein, shall not be construed to have any other or further effect upon the validity or invalidity of said bonded indebtedness than to arrest the running of the statute of limitation upon the bonds of said county, or the coupons thereof, until the meeting of the next session of the Legislature.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. LIX.—*An Act to authorize the Board of State Harbor Commissioners to pay the claim of Sheldon and Graves.*

[Approved February 12, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That the Board of State Harbor Commissioners be and is hereby authorized to adjust and pay the claim of John P. Sheldon and O. F. Graves, under contract of September twenty-fifth, eighteen hundred and seventy-six, for removing Pacific Street wharf; *provided*, the amount does not exceed the sum of twelve hundred and nine dollars (\$1,209). Authorizing payment of claims.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. LX.—*An Act authorizing the Board of Supervisors of the County of Colusa to approve official bonds of county and township officers of said county.*

[Approved February 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Board of Supervisors of the County of Colusa are hereby authorized, directed, and required to approve the official bonds of all the county and township officers of said county. Approval of bonds.

SEC. 2. The amount of the Treasurer's official bond must be in double of the amount of money that he may have as such officer at any one time during his incumbency in office; *provided, however*, the Board of Supervisors may reduce the bond if they deem it proper. Bond of Treasurer.

SEC. 3. The Board of Supervisors of Colusa County are hereby required to convene on the third Monday in February, A. D. eighteen hundred and seventy-eight, for the purpose of examining and approving all the official bonds as heretofore mentioned, and that thereafter the Board of Supervisors may fix the time for such purposes, and all county and township officers hereafter shall file their respective bonds within ten days after they receive their certificates of election, and a failure so to do the said office shall be declared vacant by the Board of Supervisors. Time for approving bonds.

SEC. 4. All Acts and parts of Acts in conflict with the Failure to file bonds.

provisions of this Act, so far as the same relate to the County of Colusa, are hereby repealed.

SEC. 5. This Act shall take effect immediately after its passage.

CHAP. LXI.—*An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Mayor, Auditor, and Treasurer thereof, and to authorize certain appropriations of money by said Board.*

[Approved February 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

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|------------------------------------|---|
| Appropriation of money authorized. | SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered to appropriate, allow, and order paid out of the General Fund, the following sums of money in addition to the moneys now allowed by law to be expended:  |
| Improvement of parks.              | <i>First</i> —For improving the Golden Gate and Bellevue Parks, forty thousand dollars, which sum shall be expended by the Park Commissioners, and shall include the cost of erecting the "Lick Conservatory."  |
| Improvement of plazas and squares. | <i>Second</i> —For grading and otherwise improving the plazas and squares, excepting Lobos Square, belonging to said city and county, fifty thousand dollars; said sum shall be expended under the supervision of the Superintendent of Public Streets, Highways, and Squares in and for said city; <i>provided</i> , that ten thousand dollars of said amount shall be expended upon Pioneer Park.   |
| Cleaning sewers.                   | <i>Third</i> —For cleaning sewers and removing nuisance in said city, ten thousand dollars; said sum to be expended under the direction of the Board of Health of said city and county.   |
| Street cleaning.                   | <i>Fourth</i> —For cleaning streets, the sum of twenty-five thousand dollars; said sum to be expended in such manner as the Board of Supervisors shall direct; <i>provided</i> , that the employment of the sweeping machine by said Board shall cease upon the passage of this Act, and that the money now being paid for the use of said machine shall, in addition to the sum hereby appropriated, be applied to cleaning streets.   |
| Officers to draw warrants.         | SEC. 2. The Mayor, Auditor, and Treasurer of said city and county are hereby authorized to draw a warrant or warrants upon the city treasury for any part or the whole of the money hereby authorized to be expended; said warrants shall be a demand upon the treasury, and shall be paid on or before the first day of June, eighteen hundred and seventy-nine, and shall draw interest at the rate of six per cent. per annum until paid; and the Board of Supervisors of said city shall include in the tax levy for the fiscal year eighteen hundred and seventy-eight-seventy-nine, a sufficient sum, to be collected in the same manner as other taxes are |
| Interest.                          |   |



collected, to pay the principal and interest of said warrants.

SEC. 3. The Board of Supervisors of said city and county shall, by resolution, fix and establish the rate of wages to be paid to laborers employed under this Act; *provided*, that the same shall not exceed two dollars per diem, except foremen, who may receive not to exceed three dollars and fifty cents each per day, and that no person who was not a *bona fide* resident of the City of San Francisco on the first day of January, eighteen hundred and seventy-eight, shall be eligible to employment under the provisions of this Act.

Rate of wages.

Persons eligible to employment.

SEC. 4. This Act shall take effect immediately.

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CHAP. LXII.—*An Act to repeal an Act entitled an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, passed April twenty-first, eighteen hundred and fifty-seven, and the Acts amendatory thereof, so far as they relate to the Counties of Mendocino and Humboldt.*

[Approved February 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An Act entitled an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, passed April twenty-first, eighteen hundred and fifty-seven, and the several Acts amendatory thereof, so far as they relate to the Counties of Mendocino and Humboldt, are hereby repealed.

SEC. 2. This Act shall take effect from and after its passage.

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CHAP. LXIII.—*An Act to repeal an Act entitled an Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama, in Tehama County.*

[Approved February 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama, in Tehama County, approved March twenty-eighth, eighteen hundred and seventy-four, is hereby repealed.

Repeal.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. LXIV.—*An Act making an appropriation to pay the expenses of "Presidential Electors."*

[Approved February 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation authorized.

SECTION 1. The sum of one hundred and seventy-seven dollars and fifty cents is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to pay the per diem and mileage of the Presidential Electors of eighteen hundred and seventy-six.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. LXV.—*An Act concerning salaries and fees of office of certain county and township officers of the County of San Bernardino.*

[Approved February 14th, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Salary of County Treasurer.

SECTION 1. The County Treasurer of the County of San Bernardino shall receive from said county an annual salary of eight hundred dollars, gold coin, payable monthly out of the county treasury of said county, in addition to the fees, commissions, and mileage allowed to him by law from the State.

Salary of County Assessor.

SEC. 2. The County Assessor of said county shall receive an annual salary of seven hundred and fifty dollars, gold coin, payable monthly out of the county treasury of said county, in addition to the fees, percentage, and commissions allowed to him by law from the State.

Compensation of deputies.

SEC. 3. At the first regular meeting of the Board of Supervisors of said county, in each year, after the receipt of the assessment roll of the county by the County Auditor, from the County Assessor, duly completed according to law, the said Board of Supervisors shall order a warrant drawn upon the county treasury of said county, in favor of the County Assessor, for the sum of seven hundred dollars, gold coin, which shall be in full for compensation of all deputies employed or appointed by him.

Percentage of County Assessor.

SEC. 4. The said County Assessor shall receive the following percentage of all taxes collected by him: Of amount of poll tax collected by him, ten per cent.; of amount of State and county property tax collected by him, five per cent.; with which percentage he shall be credited on making his settlements made pursuant to law.

Fees of Justices of the Peace.

SEC. 5. The following fees, and none other, shall be charged and received by Justices of the Peace of the several

townships of said county: For all services rendered in any action or proceeding where no trial is had, two dollars; for all services rendered in any action or proceeding in which a trial is had, occupying one day, or part thereof, five dollars; and for each day so occupied after the first day he shall receive the additional sum of two dollars; for each day occupied in taking testimony in writing on an examination of a charge of felony, three dollars; for taking bail after commitment by another Magistrate, fifty cents; for copies of papers on file, or copies of docket entries, fifteen cents per folio; for issuing search warrant, to be paid for by party demanding the same, fifty cents; for celebrating a marriage, and returning certificate, three dollars; for certifying an acknowledgment of any instrument, for the first name fifty cents, for each additional name, twenty-five cents; for taking depositions in civil cases, per folio, fifteen cents; for certifying affidavit (except in cases before him), twenty-five cents; in any case in which an order changing the place of trial is made, the Justice of the Peace making the order shall receive, for all services rendered by him, including the making up and transmission of the transcript and papers to the Court to which the case is transferred for further proceedings, the sum of two dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him, less two dollars.

SEC. 6. The fees hereinafter provided, and none other, shall be charged and received by Constables of the several townships of said county: Any Constable, in any of the townships of said county, lawfully performing any official service shall be entitled to charge and receive therefor two-thirds of the fee, mileage, or percentage, as the case may be, which is allowed by law to be charged and received by the Sheriff of said county for similar service performed by him as such Sheriff. Fees of Constables.

SEC. 7. All Acts or parts of Acts, in so far as the same may conflict with this Act, are hereby repealed.

SEC. 8. This Act shall be in force from and after its passage.

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CHAP. LXVI.—[See volume of *Amendments to the Codes.*]

CHAP. LXVII.—*An Act to amend "An Act in relation to the care of orphan and abandoned children," approved March seventh, eighteen hundred and seventy-four.*

[Approved February 15, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Duty of  
managers of  
orphan  
asylums.

SECTION 1. Section one of the above entitled Act is hereby amended as follows: Section 1. It shall be the duty of the officers or managers of each and every orphan asylum in this State to publish in January, April, July, and October, in each year, in some newspaper of general circulation published in the county where such asylum is situated, a notice giving:

1. The name, if known;
2. The age, as near as may be;
3. The sex; and
4. Such other descriptions as would lead to identification of each child received into such asylum, either as an orphan or an abandoned child, since the last quarterly publication of a like notice.

Publication  
of notice.

Such notice must be published at least four times, if in a weekly, and at least ten times consecutively if published in a daily newspaper.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. LXVIII.—*An Act supplementary to an Act entitled an Act to provide for the completion of the building in the City and County of San Francisco known as the "New City Hall," approved March twenty-fourth, eighteen hundred and seventy-six.*

[Approved February 15, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Advertise-  
ment for  
proposals.

SECTION 1. Whenever the Board of Commissioners provided for and established by virtue of the Act to which this is supplementary shall have rejected all the bids for doing any specified work or furnishing material pursuant to section fourteen (14) of said Act, said Board may re-advertise, for ten days, for sealed proposals for doing said work or furnishing said material, as often as may be necessary, but without changing the specifications therefor; *provided*, that all other requirements of said Act shall be complied with, and thereupon a legal award may be made and contract entered into for the doing of said work and furnishing of said material.

Rejection of  
proposals.

SEC. 2. The said Board may reject and not further consider the proposal or bid of any person or persons who have

failed or may hereafter fail to enter into any contract awarded to them by said Board, or to carry out or perform the same, and to make award of and enter into contracts as though such delinquent person or persons were not bidding.

SEC. 3. The Board of Commissioners mentioned in section one of this Act are hereby authorized and empowered to appropriate and pay out of the said City Hall building Fund the sum of fifteen thousand dollars, for the purpose of fitting up and providing furniture for the Hall of Records; also, for offices and Courts in east wing of said New City Hall building, now being completed.

Appropriations authorized.

SEC. 4. The said Board of New City Hall Commissioners are hereby authorized to settle the claim of "The Pacific Submarine and Earthquake-proof Company" for the sum of five thousand two hundred and ninety-five dollars, against Joseph G. Eastland, P. H. Canavan, and Charles E. McLane, and pay said sum or so much thereof as they, the Commissioners, shall find to be just and equitable out of the Building Fund of said New City Hall.

Payment of claim.

SEC. 5. This Act shall take effect immediately.

CHAP. LXIX.—*An Act to extend the time in which John Blair, Thomas Alderson, Truman Wilcox, L. A. Garnett, Thomas Price, and F. A. Bishop, their associates and assigns, shall complete the construction of a race-way through the City of Placerville.*

[Approved February 15, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The time in which John Blair, Thomas Alderson, Truman Wilcox, L. A. Garnett, Thomas Price, and F. A. Bishop, their associates and assigns, are required to complete the construction of a certain race-way in accordance with an Act entitled "An Act granting to certain persons herein named the right to construct and maintain a race-way through the City of Placerville," approved April first, eighteen hundred and seventy-six, is hereby extended eighteen (18) months.

Extension of time granted.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. LXX.—*An Act entitled an Act to amend "An Act concerning agricultural societies," approved March twelfth, eighteen hundred and fifty-nine.*

[Approved February 15, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Affairs, to  
whom in-  
trusted.

Board of  
Managers,  
how divided.

SECTION 1. Section three of the Act to which this Act is amendatory is hereby amended so as to read as follows: Section 3. The general prudential and financial affairs of such society shall be entrusted to a Board of Managers, consisting of a President and six Directors, four of whom shall constitute a quorum to do business, to be elected at the annual meeting of such society. The Board of Managers shall, at its first meeting after their election, be divided by lot into three equal portions, omitting the President; one portion to continue in office one year, one portion two years, and one portion three years; one-third of the number, together with the President, to be elected at each annual meeting thereafter; the Directors to hold office for three years after the expiration of the term of office for which their predecessors were by lot so appointed to serve. The Board of Managers may, in the absence of the President, choose one of its other members as temporary Chairman. They shall elect a Secretary and Treasurer, not members of the Board, prescribe their duties, and fix their pay.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. LXXI.—*An Act to amend section six of an Act entitled "An Act to re-incorporate the Town of Woodland," approved March twenty-fourth, eighteen hundred and seventy-four.*

[Approved February 15, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Power of  
Board of  
Trustees.

SECTION 1. Section six of said Act is hereby amended so as to read as follows: Section 6. The Board of Trustees shall have power to pass ordinances not inconsistent with the Constitution and laws of the United States and this State; to determine what are nuisances, and control the same; to prevent any or all domestic animals from running at large within the corporation; to control and regulate slaughter-houses, and provide for their exclusion from the town limits; to prohibit disorderly conduct; to provide for licensing shows, public exhibitions, and lawful games; to license every kind of business, authorized by law, carried on within the town limits; to regulate and restrain theatrical and other amusements; *provided*, that school or college exhi-

bitions, and the exhibitions of the various and charitable orders, shall not be taxed; to regulate and establish markets; to construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for protection against fire; to purchase, sell, hold, and maintain fire engines and all implements or apparatus for the prevention and extinguishment of fires; to organize and maintain a fire department or fire company, and establish fire limits; to lay out, alter, keep open, and repair all streets, alleys, and public squares; to purchase or lease such real estate or personal property as may be necessary or proper for the interest of the town or the transaction of the business of the Board of Trustees or other town officers; to make all necessary arrangements for the safe keeping of prisoners; to grant the right of way to railroad companies within the corporate limits, with such prohibitions and restrictions as the interests of the inhabitants may demand; to levy and collect annually a poll tax of not exceeding two dollars on each inhabitant over the age of twenty-one years; also, a dog tax of not exceeding five dollars on each dog owned in the town; and a property tax, not exceeding one-quarter of one per cent. upon the assessed value of the real and personal property, for general purposes.

Exhibitions  
exempted.

SEC. 2. This Act shall take effect immediately.

CHAP. LXXII.—*An Act to amend an Act entitled "An Act to prevent hogs and goats running at large on certain lands in this State," approved March thirty-first, eighteen hundred and seventy-six.*

[Approved February 15, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section one of said Act is hereby amended so as to read as follows: Section 1. It shall be unlawful for hogs or goats to run at large upon lands included in any town site in this State which has received, or that may receive hereafter, a patent thereto under any of the several Acts of Congress of the United States of America granting town sites to incorporated and to unincorporated towns upon the public lands. The provisions of this section shall apply to the Precinct of Rocklin, in Placer County.

Unlawful for  
hogs and  
goats to run  
at large.

Where to  
apply.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. LXXIII.—[See volume of *Amendments to the Codes.*]

CHAP. LXXIV.—[See volume of *Amendments to the Codes*.]

CHAP. LXXV.—*An Act to pay the claims of the County of Sacramento.*

[Approved February 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation authorized.

SECTION 1. There is hereby appropriated out of the General Fund in the State treasury the sum of three thousand six hundred and fifty-three and sixty-seven one-hundredths dollars in favor of the County of Sacramento, to reimburse said county for the State's portion of taxes repaid by said county upon a judgment in favor of the Odd Fellows' Bank *vs.* J. W. Houston.

Appropriation not subject to certain laws.

SEC. 2. This appropriation shall not be subject to the laws relative to the State Board of Examiners, but upon its passage the Controller shall draw his warrant upon the Treasurer in favor of said county for said sum, and the Treasurer shall pay the same to the order of the Board of Supervisors of said county.

Board of Supervisors to loan

SEC. 3. Whenever said sum is paid into the county treasury of said county, the Board of Supervisors thereof must at once loan to the Trustees of Swamp Land District Number Two Hundred and Eighty-seven, two thousand one hundred (\$2,100) dollars thereof.

Trustees to appropriate.

SEC. 4. The Trustees of said district must appropriate said sum to the payment of the indebtedness contracted for levee repairs and wing dams in the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight.

Repayment.

SEC. 5. The Trustees of said district must repay the sum so loaned to them out of the first assessment levied and collected in said district.

SEC. 6. This Act shall be in force from and after its passage.

CHAP. LXXVI.—*An Act to legalize and enforce the collection of a district school tax, and to render lawful the acts of the Board of Trustees of North Butte School District, pursuant to an election held therein.*

[Approved February 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Acts declared lawful.

SECTION 1. The election held in North Butte School District, in the County of Sutter, on the second day of April,



A. D. eighteen hundred and seventy-seven, for the purpose of voting a tax to build a school house, and to authorize the Board of Trustees to sell and dispose of certain property belonging to said school district is hereby legalized, and all agreements and contracts made and entered into, and all acts done by said Board pursuant to the authority intended to be conferred at said election, are hereby made and declared to be lawful and binding upon said district.

SEC. 2. The assessment of property as made by William T. Spillman, the duly elected, qualified, and acting Assessor of said North Butte School District, in the months of April and May, A. D. eighteen hundred and seventy-seven, the equalization thereof, and the levy of a tax thereon, by the Board of Trustees of said school district, are hereby legalized, confirmed, and rendered valid and binding against the persons and property assessed, and the delinquent assessment list as certified and returned to the District Attorney, on the sixth day of August, A. D. eighteen hundred and seventy-seven, is hereby made conclusive evidence of the legality of the several sums charged against the persons and property in said list described, notwithstanding any irregularities or informalities therein contained.

Assessments  
legalized.

SEC. 3. The Board of Trustees of said North Butte School District are hereby authorized and empowered to sell, at public auction, to the highest bidder for cash, in gold coin, all the right, title, and interest of said school district of, in, and to the old school building, and the real property on which the same is situate, described in a certain indenture of deed bearing date the twentieth day of April, A. D. eighteen hundred and sixty-nine, made and delivered by William Powell to the Trustees of said school district; *provided*, that written notices specifying the terms, time, and place of such sale must be posted in three public places in said school district at least ten days prior to such sale.

Sale of  
school  
property.

Notices to be  
published.

SEC. 4. This Act shall take effect and be in force from and after its passage.

# CHAP. LXXVII.—*An Act in relation to the Assessor of the County of Sacramento.*

[Approved February 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the County of Sacramento are hereby empowered and authorized, if they deem the same advisable, to pay the Assessor of the County of Sacramento a sum, in gross, yearly, for all expenses and salaries of himself and deputies in making and preparing the assessment and assessment roll of taxable property in Sacramento County for State and county taxation; *provided*, the said Assessor, by contract duly drawn and approved,

Expenses of  
Assessor,  
how paid.

Contract of  
Assessor.

Compensation.

shall satisfy said Board that he will accept said payment and do said work; and *provided further*, that the amount so paid shall not exceed the sum of eight thousand dollars per annum, and shall be paid in such manner as may be agreed upon by and between the said Board and said Assessor.

Appointment of deputies.

SEC. 2. If said Board elect to make the contract and payment, as provided in section one of this Act, the said Assessor shall have the power to appoint and pay his own deputies, with power of removal, and the County of Sacramento shall not in any manner be held responsible for the pay of the deputies of said Assessor; *provided*, that all appointments of Deputy Assessors must be submitted to and confirmed by the Board of Supervisors of Sacramento County.

SEC. 3. This Act shall take effect and be in force from and after its passage, and all Acts and parts of Acts inconsistent herewith are hereby repealed.

CHAP. LXXVIII.—*An Act to authorize and require the Board of Supervisors of San Joaquin County to allow a claim of S. G. S. Dunbar, and to authorize and require the Auditor of said county to draw a warrant therefor, and to authorize and require the Treasurer of said county to pay the same.*

[Approved February 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation authorized.

SECTION 1. The Board of Supervisors of San Joaquin County are, by this Act, authorized and required to allow the claim of S. G. S. Dunbar, of said county, for two thousand three hundred and thirty-three dollars and thirty-three cents, payable in the gold and silver coin of the United States, for his services in performing the duties of School Superintendent of said county, from March sixth, eighteen hundred and seventy-six, to May the eighth, eighteen hundred and seventy-seven, and the said claim, when allowed, shall be paid out of the moneys in the General Fund of the treasury of said county. The said S. G. S. Dunbar is authorized, at any time after the passage of this Act, to file with the said Board of Supervisors, or with the Clerk thereof, in writing, his claim against said county for said sum of money, for said services as School Superintendent of said county, and, for the purpose of allowing said claim, the Board of Supervisors may meet in special session, and such session shall be called by a notice of the Chairman of the Board, specifying the time and purpose of such session, which notice, signed by the Chairman of the Board, shall be published, for not less than five successive days before such session, in some daily newspaper published in said county, to be selected by the Chairman of the Board.

Filing of claim.

SEC. 2. As soon as the Board of Supervisors of San Joaquin

County shall have allowed the claim of S. G. S. Dunbar, mentioned in section one of this Act, the Auditor of said county is authorized and required to issue to said Dunbar a warrant of said county, for two thousand three hundred and thirty-three dollars and thirty-three cents, payable in the gold and silver coin of the United States, and directed to the Treasurer of said county, and made payable out of the moneys in the General Fund of the treasury of said county, and the Treasurer of said county is hereby authorized and required to pay said warrant, in the gold and silver coin of the United States, out of the moneys in the General Fund of the treasury of said county.

Auditor  
to issue  
warrant.

SEC. 3. Whereas, a suit against the County Auditor of the County of San Joaquin is now pending, in which T. O. Crawford claims the pay of County Superintendent of the schools of the County of San Joaquin, for the same time as is claimed by S. G. S. Dunbar, it is hereby enacted that, at the time of receiving the money hereinbefore provided to be paid to the said Dunbar, he shall give to the County of San Joaquin a good and sufficient bond, conditioned that if said T. O. Crawford shall recover the same from the county said S. G. S. Dunbar will repay the same to the County of San Joaquin, on the demand of the Board of Supervisors of said county.

Bond  
required.

SEC. 4. This Act shall take effect from and after its passage.

# CHAP. LXXIX.—An Act to incorporate the Town of Alameda.

[Approved February 21, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The people of the Township of Alameda, in the County of Alameda, are hereby constituted a municipal corporation by the name of the Town of Alameda, and the boundaries of said town shall be the same as now form the said Township of Alameda.

Name of cor-  
poration.

SEC. 2. The government of said town shall be vested in a Board of five Trustees, an Assessor, who shall also act as Auditor of said town, a Treasurer, who shall also act as Tax Collector of said town, a Surveyor and Civil Engineer, who shall act as the Superintendent of Streets, a Town Attorney, a Chief of Police, and a Superintendent of Schools. The Justices of the Peace and Constables elected in and for the Township of Alameda, from time to time, shall perform their respective duties in said town, and shall respectively give effect to all ordinances that may be enacted by the said Board of Trustees in pursuance of the powers given to said Board by this Act, and said Constables, and such other police officers as may be appointed as is hereinafter pro-

Govern-  
ment, in  
which  
vested.

vided, shall, with and under the direction of the Chief of Police, perform the police duty of said town.

Election.

SEC. 3. The officers named in the preceding section shall be elected by the qualified electors of said town on the first Monday in May, A. D. eighteen hundred and seventy-eight, and their successors on the first Monday in May of each succeeding year, at an election to be held for that purpose.

Duty of  
Trustees.

Meetings.

SEC. 4. The Board of Trustees shall assemble within ten days after their election and shall choose a President from their number. They shall meet on Tuesday of each week, but special meetings may be called by the Clerk upon the request of two members of the Board, by a written notice delivered personally to each member. All meetings shall be in public. Three members of the Board shall constitute a quorum for the transaction of business, but no ordinance directing any public improvement, or any ordinance or resolution directing the payment of money, shall be valid unless the same is passed by four affirmative votes; and no ordinance of any nature shall have legal force unless it shall receive a majority vote of all members elected or appointed.

Failure to  
qualify.

In case of failure of a member of said Board, or of any officer elected under this Act, to qualify, a new election shall be ordered by said Board to fill the vacancy, upon giving twenty days' notice by advertisement in a paper printed and published in said town. In case of death or resignation of any member of said Board, or officer of said town, excepting a Director of the Board of Education, or Superintendent of Schools, or Assessor, such vacancy may be filled by the other members of said Board, at a regular meeting. In case of vacancy in the office of Assessor, the same shall be filled for the unexpired term by the calling by said Board of an election for said purpose, as in the case of failure to qualify. The Board of Trustees shall keep a journal of their proceedings, which shall always be open to the inspection of any taxpayer of said town, or his legal representative, during the usual business hours of each day.

Vacancy,  
how filled.

Same.

Trustees,  
powers of.  
Streets  
opened.

SEC. 5. The Board of Trustees shall have power:

*First*—To declare any streets now open, or such as may be hereafter opened by any owner of land within said town, to be public streets for the ordinary uses and easements of the public, and not otherwise; *provided*, nothing contained in this subdivision shall be held to apply to the location of the railroad track of the Bay and Coast Railroad Company in said town, which is now constructed, or is being constructed under an ordinance of said town, and which said ordinance is hereby ratified and confirmed, but such ratification and confirmation shall not in any manner alter, change, or affect any pending suit, or the rights of the parties thereto; but said ordinance or its ratification shall not operate as an exclusive franchise to said company.

Improvement of  
streets.

*Second*—To establish the grade of said streets, to provide for the improvement, repair, lighting, and watering the same, and the erection of sidewalks thereon, and the construction of sewers, all in the manner hereinafter provided, and to provide for watering all such streets as shall have

been macadamized, graveled, or improved; *provided*, that no contract for watering the streets of said town shall be for a longer period than one year.

*Third*—To provide for the prevention and summary removal of all nuisances and all occupations detrimental to the public health, comfort, or safety, and adopt such measures as may be necessary for the preservation of the public health; to suppress all occupations, houses, places, and exhibitions which are against good morals or contrary to public order and decency; to prevent the appearance of any person on any highway or public place in said town in a state of intoxication; to prevent the discharge of any firearm, pistol, or cannon, on any wharves or streets of said town, or on any private property therein, without the consent of the owner thereof; and the discharging of firearms in any part of said town, except upon the marsh lands, is hereby declared to be a misdemeanor; *provided*, nothing herein contained shall apply to shooting in any existing shooting gallery before the first day of March, A. D. eighteen hundred and seventy-nine (1879); and to prevent any noise, disorder, or tumult, to the disturbance of the public peace; to prohibit the sale of intoxicating liquors to all persons under the age of eighteen years; to punish the violation of all ordinances passed by said Board pursuant to law, by a fine not exceeding one hundred dollars, or by imprisonment in the Jail of the County of Alameda, not exceeding three months, or by both such fine and imprisonment. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied, specifying the extent of the imprisonment, which cannot exceed one day for each two dollars of the fine. All prosecutions under ordinances passed by said Board shall be in the name of the people of the State of California.

Nuisances.

Immoral exhibitions.

*Fourth*—To levy and collect annually a tax not exceeding seventy cents on each one hundred dollars of the assessment valuation of all property, both real and personal, within said town, which tax shall be divided as follows: For the Street Sprinkling Fund, not exceeding ten cents on each one hundred dollars; for the School Fund, not exceeding thirty cents on each one hundred dollars; for the General Fund, not exceeding thirty cents on each one hundred dollars. All percentages and fees provided to be collected under this Act, in the collection of delinquent taxes, shall be paid into the General Fund. All fines collected in said town, over and above the payment of expenses of prosecution, shall be paid into the School Fund. The School Fund shall be used only for the payment of the salaries of teachers and the necessary expenses of the public schools, including necessary repairs of school buildings. Each of said funds shall be kept separate from any other. No road tax shall be collected in said town for the use of the County of Alameda.

Tax levied.

*Fifth*—To license, tax, and regulate all lawful trades and occupations, and all moneys derived from such licenses shall be paid into the School Fund of said town.

Licenses.

*Sixth*—To establish a public pound and a Pound-keeper, and prescribe his duties, and to provide for the proper care

Pound-keeper.

and disposition of all animals impounded; *provided*, that the Pound-keeper shall receive for his services and care of animals only such fees as by ordinance he may lawfully collect from the owners or proceeds of said animals. No animal shall be allowed to graze in any street of said town.

Fire department.

*Seventh*—To provide for the establishment of a fire department and the extinguishment of fires, but no compensation shall be paid to the members thereof.

Shall elect a Clerk.

Compensation.

*Eighth*—To elect a Clerk of said Board and prescribe his duties, and to pay him out of the General Fund of the town such compensation for his services to said Board, and as Clerk for the Board of Education, as said Board of Trustees may designate, not exceeding six hundred dollars per annum; *provided*, that the person who may be elected to the office of Town Attorney, shall, if he be competent to act as Clerk of said Board, be appointed thereto, in which case his compensation for his services as Town Attorney and as such Clerk shall not exceed one thousand dollars per annum.

Passage of ordinances.

*Ninth*—To pass all ordinances necessary to carry into effect the powers herein granted, but it shall require the affirmative vote of four members of said Board for the passage of any ordinance directing any public improvement, or for the passage of any order, ordinance, or resolution directing the payment of money; and no ordinance, order, or resolution shall be passed upon the same day that it is introduced, or at any other than a regular meeting of said Board, and all votes upon the passage of any order, ordinance, or resolution in said Board shall be taken by ayes and noes, which shall be entered upon the minutes of said Board. The style of such ordinances shall be: "The People of the Town of Alameda do ordain as follows." All ordinances shall be numbered consecutively, and shall be engrossed by the Clerk, in a fair and legible manner, in a book to be used exclusively for that purpose, and shall be attested by the Clerk and two members of said Board of Trustees.

Grading and improvements of streets.

SEC. 6. If at any time the owners of one-half in frontage of any land in said town fronting upon any street, between two given points on said street, shall petition the Board of Trustees to order said street between said points to be graded or macadamized, or otherwise improved, or for the construction of sidewalks thereon, it shall be the duty of said Board to order the said work to be done in the manner, and with the kind or one of the kinds of material petitioned for; and the cost thereof, excluding expenses of survey and advertising, shall be assessed upon the property fronting upon both sides of the street between the points to be so improved. The said Board shall, by ordinance, designate the street on which the work is to be done, and the points of commencement and termination of such work, and shall declare that the same is to be performed in accordance with the specifications prepared by the Town Engineer and Surveyor; such specifications when so prepared shall be approved by the Board, and filed with the Clerk of said Board. The Board shall thereupon advertise for a period of not less than twenty days for proposals for doing such work, and furnish

the materials therefor, in accordance with the specifications. It shall not be necessary to advertise the specifications, but the advertisement shall refer to them as on file in the office of said Clerk. The contract shall be awarded to the lowest responsible bidder for the labor and the kind of material selected; but the Board may, in its discretion, reject any or all bids and advertise for further proposals until a satisfactory bid is obtained; a good and sufficient bond shall in all cases be required from the successful bidder, for the faithful performance of the work, in such amount as the Board may require. When the whole cost of the work shall have been ascertained, the said Board shall direct the Town Engineer and Surveyor to make a diagram of the property to be charged with the expense thereof, showing the number of front feet on the improved street; and when said diagram shall have been approved by said Board, the Clerk shall at the time of such approval certify the fact and date thereon. The Town Assessor shall then assess the whole cost of the work pro rata on each front foot, and shall, within twenty days, or within such further time as the Board may grant, make and return to said Board an assessment roll, showing in different columns:

*First*—The names of the owners of each lot of land, arranged alphabetically, where the same are known, and if not known, the word "unknown" shall be written in place of the name.

*Second*—A brief description of each lot of land to be charged.

*Third*—The number of front feet in said lot to be charged.

*Fourth*—The rate of assessment per foot.

*Fifth*—The full amount for which said lot is assessed.

The total amount of the assessment shall be added up at the foot of said last mentioned column. When the work so ordered shall have been completed and accepted by said Board, they shall direct their Clerk to deliver the assessment roll to the Treasurer, and said Treasurer shall thereupon, within ten days, give notice, by advertisement for a period of two weeks, requiring payment to be made to him within sixty days from the date of first publication of said notice, and when any payment is made he shall write the word "paid," and the date, against such amount. On the expiration of the sixty days, all assessments then unpaid shall become delinquent, and the Treasurer shall add five per cent. thereto, and shall certify the facts at the foot of said roll. The said five per cent., when collected, shall be paid into the General Fund of the town. The said Treasurer shall then, within two weeks, proceed to advertise and collect the various sums delinquent, including the cost of advertising, which shall not exceed fifty cents for each parcel or lot of land, from the sale of the property, in the same manner as is or may be by law provided for the collection of State and county taxes in the County of Alameda, the same powers being hereby conferred upon said Treasurer as is or may be given to the Tax Collector for said county; *provided*, that all sales provided by this Act to be

Assessment  
roll.

Levy and  
collection of  
assessments.

made for any purpose by said Treasurer shall be held in front of the Town Hall in said town, and all advertisements shall be made in a newspaper published in said town; *and provided*, that said advertisement of sale shall be published once a week for three weeks. All property sold shall be subject to redemption, in the same manner as in sales for delinquent State and county taxes in said county, and the Treasurer may collect for each certificate fifty cents, and for each deed one dollar; but when more than one lot assessed to the same delinquent is sold to the same purchaser, then only one certificate or deed shall be made therefor. All fees collected by said Treasurer shall be paid into the General Fund of said town. Any person owning property upon any street in said town may, with the consent of the Board of Trustees, construct a sidewalk in front of his said property, in accordance with such regulations as to the width thereof and material and manner of construction as said Board may make, and thereafter such person shall not be assessed for any sidewalk constructed on such street opposite his property. All repairs needed upon any street in the town, the cost whereof shall not exceed one hundred dollars, shall be paid out of the General Fund of the town, but all such repairs to any street as the Board may consider necessary, where the cost thereof exceeds one hundred dollars, may be ordered by said Board in the same manner as is provided in this Act for the construction of sidewalks, and the cost thereof shall be borne by the property fronting on the street repaired, pro rata per front foot; and all proceedings in relation thereto, and in the assessment and collection of the cost thereof, shall be had and taken in the same manner as is above provided in the case of the construction of sidewalks.

Sidewalks  
constructed.

Street  
repairs, how  
paid.

Construction  
of sewers.

SEC. 7. The Board of Trustees of said town shall have power to order the construction of a sewer upon any street in said town upon which there shall be any habitation. The Board shall, by resolution, declare its intention to construct such sewer, specifying the commencement, a determination thereof, and the name of the street upon which it is to be constructed, and the material to be used; and shall fix a day, not less than thirty days from the adoption of the resolution, for hearing objections thereto. Such resolution shall be published for not less than twenty days, and if, on the day fixed for hearing objections, a majority in value of all the lands and the improvements thereon (the value to be estimated according to the last assessment roll), fronting upon the street through which the sewer is to be constructed, shall not protest against the same, the Board may pass an ordinance directing the sewer to be constructed, and directing that the cost thereof be assessed upon the property fronting upon both sides of the street, and thereafter all proceedings for the preparing of specifications, making diagram of the property to be assessed, and assessing the cost of the work, and collecting the same, shall be had and taken in the same manner in every respect as is provided in section six of this Act. But if such protest shall be made, all proceedings thereon shall be discontinued for a period of six



months, unless the Board shall, by a majority vote of all its members, decide to construct the sewer notwithstanding such protest.

SEC. 8. The Board of Trustees shall have power to contract for the lighting of the streets of the town with gas, for a period not to exceed three years, with some existing gas company having the necessary works for a compliance with such contract; *and provided*, no contract shall be made at a price exceeding three dollars and seventy-five cents per thousand feet, and not exceeding sixteen cents per night for each street lamp, the gas to be supplied under such contract to be of an illuminating power equal to sixteen sperm candles; the lamps and posts to be furnished and erected by the contractor at his or its own expense, and in case of breakage to be repaired by the property owners of the block in front of which the damaged lamp may be. The Board shall have power, of its own motion, or upon the petition of any two property owners upon any street, to give notice of its intention to order such street to be lighted, unless within fifteen days from the publication of such notice one-half of the owners of the front feet of the property fronting upon such street shall protest against the same, in which case no further action shall be taken in relation to lighting such street for one year. If such protest is not made the Board shall pass an ordinance describing the street, or such portion thereof as it may order to be lighted, the number and location of lights upon each block, and the gas company or contractor shall thereupon erect the posts and lamps provided for by said ordinance. The Town of Alameda shall not be liable for any gas furnished in said town, except for the use of the public buildings; and payment for all gas furnished for lighting streets, in accordance with any ordinance, shall be made by the owners of each block or parcel of land on or upon both sides of the street so lighted pro rata for each front foot, and the property so liable shall be assessed for the amount thereof, which shall be due up to the first day of July of each year, by the Town Assessor, at the time of the making up and carrying out the figures in the assessment rolls, which assessment shall be added to the amount of the town taxes, and shall be collected by the Tax Collector in the same manner as the town taxes are collected, and when so collected shall be paid to the gas company or contractor entitled to the same; *provided*, the Assessor shall receive for his own use two per centum, and the Tax Collector for his own use two per centum upon all sums so collected, to be deducted from such collections. No exclusive right to lay gas or water pipes in the streets of the said town, or exclusive franchises to street railroad companies to construct or maintain street railroads in the streets of said town, shall be granted at any time to any person, corporation, or association.

Contract for gas.

Protest.

Town not liable.

Exclusive rights not granted.

SEC. 9. The Board of Trustees of said town shall have power to open and widen streets within its corporate limits as is herein provided. The Board may, by resolution, declare its intention to open or widen a street, defining the com-

Opening and widening streets.

mencement and termination of such proposed street, or the commencement and termination of the street, or portion thereof that is to be widened, and fixing the area of the property that will be taxed for such improvement, which shall be all the property lying and being on either side of the proposed street, and running half way to the next parallel street, or, in case there be no parallel street, then to the boundary of the town; *provided*, the width of such property upon the side of the proposed street to which there is no parallel street, shall not exceed six hundred feet; and in the case of widening a street, the area to be taxed therefor shall be all the property lying and being on either side of such street half way to the next parallel street, and if there be no parallel street, then, as is above provided in the case of opening streets, and shall publish a notice thereof fixing a time for hearing objections thereto, which shall be not less than thirty days from the first publication of such notice. If on the day set for the hearing one-half, in value, of the owners of the lands, and the improvements thereon, to be charged for the opening or widening of the street, shall protest against the proposed improvement, all proceeding in relation thereto shall be discontinued, and no other proceedings for substantially the same improvement shall be inaugurated by said Board for a period of one year. If the requisite protest is not made, then the Board shall, by ordinance, direct the street to be opened or widened, as the case may be, but the widening and opening of streets shall not be included in the same proceeding. The Board shall thereupon direct the Town Attorney to commence an action in the Third District Court, in and for the County of Alameda, for the condemnation of the lands necessary for the opening or widening of the street, in which action the people of the Town of Alameda shall be the plaintiff, and the owners of the lands sought to be condemned, and the owners of the lands to be assessed for the improvement, shall be defendants, and all pleadings and proceedings in such action shall be had and taken as is provided in Title Seven, of Part Three, of the Code of Civil Procedure. In the trial of such actions, the jury shall find:

Condemnation of lands.

Finding of jury.

*First*—The value of the land sought to be condemned, and of each separate estate and interest therein.

*Second*—If the tract of land sought to be condemned forms a portion of a larger tract, the damages accruing to that part not taken by reason of its severance from that part which is taken.

*Third*—The benefits that will accrue to that portion which is not taken by reason of the proposed improvement.

*Fourth*—The benefits that will accrue to each separate parcel of land included within the area to be charged for the improvement.

Value of land to be paid.

The value of all lands taken for the improvements authorized by this section, as found by the jury, shall in all cases be paid, together with the costs of Court. The benefits found by the jury to accrue to the lands not taken, by reason of their severance from the portion condemned, shall be

deducted from the amount of damages, and the balance, if any, paid to the owner or owners of such lands. Upon the finding of the jury, the Court shall (unless for any cause it may direct a new trial) render a decree awarding to each owner or claimant the sum that may have been found by the jury to be due to him as the value of the land taken, and the amount of damages found by the jury to have been sustained by him, over and above benefits, and shall award to the people of the Town of Alameda a judgment against each of the several parcels of land included within the area to be charged for the improvement, and which shall have been included in the complaint in the action as shall have been found by the jury to be the benefit derived, against each parcel respectively; but in no case shall any personal judgment be rendered against the owner or owners of such lands. Such judgments, when docketed in the office of the County Clerk of the County of Alameda, shall be a lien upon the lands against which it is rendered. The provisions of the Code of Civil Procedure in this State in relation to new trials and appeals shall apply to all proceedings taken for the condemnation of lands under this Act. But the Court shall in actions for condemnation pass upon the necessity of opening, widening, or changing the street or way proposed to be opened, widened, or changed. If within thirty days after final judgment against such property, the amount thereof shall not be paid to the Treasurer of the Town of Alameda, who shall have authority to satisfy the judgment, then the execution may issue to the Sheriff of the County of Alameda, commanding him to sell the piece or parcel of land against which the judgment has been rendered, or so much thereof as may be necessary, with the costs of levy and sale, and the advertisement thereof in a newspaper printed and published in the Town of Alameda, and so much of the proceeds as shall be necessary to satisfy the judgment shall be paid to the Treasurer of the Town of Alameda, and the surplus, if any, after deducting his costs, the Sheriff shall pay to the former owner of the property, or to the Clerk of the Third District Court, for the use of such owner. All moneys so received by the Town Treasurer shall be kept by him to the credit of the Improvement Fund of the street for the opening or widening of which the money shall have been received, and when the amount of all judgments that shall have been rendered against the property benefited in any one proceeding shall have been collected, if such amount is sufficient to pay the owners of the land condemned, the amounts awarded to them by the judgment as the value of the lands taken and the damages thereto, over and above the benefits, the Board of Trustees shall order the Treasurer to pay the same, or, if they cannot be found, to pay the same to the Clerk of the Third District Court for their use. But if the fund received from benefits is not sufficient to pay the value of the land taken and damages, then the deficiency shall be collected by a tax upon all the taxable property of the town at the next annual tax levy. Upon

Decree of Court.

Provisions of Code of Civil Procedure made applicable.

Sale of land to satisfy judgment.

Decree of  
condemna-  
tion to be  
filed.

Conflict of  
title.

Annual tax.

Assessor to  
make list of  
taxable  
property.

Board of  
Equaliza-  
tion.

Oath of  
office.

Official  
bonds.

proof to the Court that the money has been paid to the owners of the land, or, if not found, has been deposited with the Clerk as above provided, the Court shall order a copy of its decree of condemnation to be filed in the office of the Recorder of the county, and thereupon the use of the property shall vest in the people of the Town of Alameda, for the purposes therein specified. In case of conflict of title to any parcel of land, the money to be paid therefor shall be placed and remain in Court, to be awarded to the true owner by due process of law.

SEC. 10. The annual tax authorized by this Act to be levied by the Board of Trustees shall be levied, assessed, and collected at the same time and in the same manner as is or may be by law provided for the levying and collecting State and county taxes within the County of Alameda, the Treasurer being hereby vested with the same powers to make collections for taxes as is or shall be conferred upon Tax Collectors for the collection of State and county taxes within said county.

SEC. 11. It shall be the duty of the Assessor, within the time fixed by law for the assessment of property in the County of Alameda for State and county purposes, to make a true list of all taxable property within the limits of said town, which list, certified by him, shall, on the third Tuesday of July, be presented by him to the Board of Trustees for equalization; also to collect personal property taxes, not sufficiently secured by real estate, at the same time and in the same manner as is provided for the collection of said taxes in the County of Alameda. No property in said town shall be assessed at any higher rate for the purposes of the town taxation than the same shall, in the same year, be assessed for the purposes of State and county taxation.

SEC. 12. The Board of Trustees shall meet on the second Tuesday in August as a Board of Equalization, and shall continue their sessions, from time to time, not exceeding twenty days, as they may deem necessary. They shall hear and determine all complaints respecting the valuation of property, and may change and modify the same as a majority of the whole Board elected may determine to be just and proper; but in no case shall the assessment of any property in said town exceed the assessment of the same property for the purposes of State and county taxation.

SEC. 13. All officers elected under this Act, before entering upon their duties, shall take the oath of office required by law, which shall be administered by a Justice of the Peace of the Township of Alameda, and the Assessor and Auditor, the Treasurer, and the Surveyor, shall each give a bond for the faithful performance of such duties as may be prescribed by law, in such penalty as the Board of Trustees may require; *provided*, that the bond of the Assessor and Auditor shall not be less than five thousand dollars, that of the Treasurer not less than twenty thousand dollars, and that of the Surveyor not less than one thousand dollars, and the sureties on such bonds shall justify in double the amount for which each may become responsible. The bond shall be

approved by the Board of Trustees, and if at any time any bond so given or approved becomes insufficient, the Board of Trustees may require a further bond to be filed within ten days; and in case of failure so to do may remove or suspend such officer, and any such vacancy shall be filled by said Board.

SEC. 14. The Town Treasurer shall collect all taxes, dues, licenses, and moneys belonging to the town, and all moneys levied for street improvements, and shall receive and safely keep all the moneys that shall come into the town treasury, and pay out the same on the order of the Board of Trustees passed in pursuance with this statute, and upon drafts made in conformity with such order, signed by the President and Clerk of said Board and countersigned by the Auditor; but no drafts shall be so drawn unless the money shall be in the treasury applicable to the purpose for which such draft is drawn. All such drafts shall be drawn to the order of the payees thereof and shall be receipted by such payees, and the Treasurer may refuse to pay any drafts drawn upon him or against any fund in his possession that is not authorized by this Act, or the ordinances or resolutions of the Board of Trustees passed pursuant hereto. The said Treasurer shall, on or before the fifth day of each month, file with the Clerk of said Board of Trustees a written statement of his receipts and payments for the preceding month, verified by his oath.

Duty of  
Town  
Treasurer.

Treasurer  
may refuse  
to pay cer-  
tain drafts.

SEC. 15. The Town Auditor shall countersign the drafts drawn by the President and the Clerk of the Board of Trustees, and those drawn by the President of the Board of Education and Superintendent of Schools, authorized by this Act, provided there is money in the treasury to pay the same; and he shall be liable upon his official bond for any drafts countersigned by him which are not authorized by law, such amount to be recovered by suit, to be brought in the name of the people of the Town of Alameda, in any Court of competent jurisdiction. He shall, on or before the tenth day of each month, examine the account of the Treasurer rendered to the Board of Trustees, and certify the correctness or incorrectness thereof to the said Board, and if he find the same incorrect shall state in detail why he so finds.

Duty of  
Town  
Auditor.

SEC. 16. The Surveyor shall have the charge of all public streets of the town and the superintendence of all street improvements; he shall make such surveys as may be required by the Board of Trustees, and have power to order the removal of all obstructions and nuisances in said streets, in conformity with the town ordinances.

Power of  
Surveyor.

SEC. 17. The Town Attorney shall perform such duties within the scope of his profession as may be required of him by the Board of Trustees.

Duty of  
Town  
Attorney.

SEC. 18. The Chief of Police, together with the Auditor and President of the Board of Trustees, shall constitute a Police Board, by whom appointments of police officers shall be made; provided, such persons shall be nominated to said Board by the Chief of Police. The Chief of Police shall have power to suspend any police officer for violation or

Police  
Board.

Power of  
Chief of  
Police.

Vacancies,  
how filled.

Failure to  
arrest.

Police shall  
not be inter-  
ested in  
other  
business.

Salaries of  
officers.

Contraction  
of debts.

neglect of duty, or for disobedience to his lawful orders, and shall report such suspension to the Police Board and the cause thereof. If the charges so made are sustained to the satisfaction of the said Board, the officer may be still further suspended, or may be dismissed from the force. In case of suspension or dismissal by the Board, the pay of such officer shall cease from the date of his suspension by the Chief of Police. All vacancies shall be filled in the same manner as original appointments. The officers, when appointed, shall be under the orders and control of the Chief of Police, who shall assign their duties, subject to the lawful ordinances of the town. Any police officer knowingly or willfully failing to arrest any person found upon the streets of the town in a state of intoxication, shall be dismissed from the force. In case of failure or neglect to perform his duties, the Chief of Police may be removed from office by the County Judge, upon proper cause being shown to his satisfaction for such removal, and any vacancy so caused shall be filled by the Board of Trustees as hereinbefore provided. The Chief of Police shall not be engaged in any other business during his term of office, and neither the said Chief or any police officer shall be interested in any store, shop, saloon, or any other place within said town at which beer or spirituous liquors are sold. The Chief of Police shall perform ordinary police duty in the same manner and to the same extent as may be required of other officers of the force.

SEC. 19. The Trustees of said town shall receive no compensation for their services. The Treasurer, for all services that may be required of him, including the duties of Tax Collector, shall receive six hundred dollars per annum. The Assessor, for all services that may be required of him, including the duties of Auditor, shall receive five hundred dollars per annum. The Surveyor and Civil Engineer, for all services that may be required of him, including the duties of Superintendent of Streets, shall receive five hundred dollars per annum. The Town Attorney, for his services as such to said town, shall receive five hundred dollars per annum, excepting as is provided in subdivision eight of section five of this Act. The Chief of Police, for his services as such, and for the performance of ordinary police duty, shall receive nine hundred dollars per annum. The Superintendent of Schools, for all services required of him, shall receive nine hundred dollars per annum, to be paid out of the School Fund. The salaries of police officers may be fixed by the Board of Trustees; *provided*, the monthly salary of each shall not exceed sixty dollars, and the whole sum to be expended for police service, including the salary of the Chief of Police, shall not exceed three thousand dollars per annum.

SEC. 20. Neither the Board of Trustees or any officer of the Town of Alameda shall have power to contract any debt against said town, except the money shall be in the treasury to pay the same, and no person or property therein shall ever be liable, or be assessed, to taxation in any form to

provide for the payment of any debt hereafter contracted, or for any claim against said town.

SEC. 21. All advertising required to be done by this Act, and any and all printing required for the use of said town, shall be let to the lowest bidder, for the term of one year from the fifteenth day of May of each year; *provided*, such advertising shall be done only in a newspaper printed and published in said town, and all advertisements shall as condensed as practicable to give the intended notice and comply with the provisions of this Act. Advertising.

SEC. 22. There shall be elected six School Directors, who, together with the Superintendent of Schools, shall constitute the Board of Education. The term of a School Director shall be three years, except as hereinafter stated. At the first election six Directors shall be elected, and they shall classify themselves by lot, so that two shall serve for one year, two for two years, and two for three years, and after said first election two shall be elected each year. In case of vacancy in the office of School Director, the Board of Education shall choose a suitable person to serve until the next election, when, if the term of the Director who caused the vacancy shall not then expire, a Director shall be elected to serve the remainder of the unexpired term; and, in case of vacancy in the office of Superintendent of Schools, the said Board may, by a majority of all its members, appoint a suitable person to fill the office until the next election. In case of a tie vote in said Board upon such appointment, the Clerk of said Board may cast his vote, but not otherwise. The said School Directors shall receive no compensation for their services. Election of School Directors.  
  
Vacancy, how filled.  
  
Tie vote.

SEC. 23. Said Board of Education shall meet on the third Monday of May in each year, and then, or as soon as convenient thereafter, choose one of its members, other than the Superintendent of Schools, as President, and another as President pro tem. Its regular meetings thereafter shall be held on the first, second, and third Monday of every month, but special meetings may be called at any other time, by order of the President, by delivering a written notice thereof personally to each member of said Board. The hour of meeting shall be prescribed by rule. Five members shall constitute a quorum, and no order or resolution shall be passed without the concurrence of five members, but a majority of members present may adjourn from time to time. All meetings shall be public, and full records of all proceedings of the Board shall be kept, which shall be open to the inspection of any taxpayer during the business hours of each day. Organization of Board of Education.

SEC. 24. All moneys received by the Treasurer of the County of Alameda, on account of the School Fund of the Township of Alameda, or any district therein, and all sums received into the county treasury which may be apportioned to said township, or any district therein, shall be paid to the Treasurer of said town by the Treasurer of said county, as soon as received, or as soon as the apportionment shall be made when apportionment is necessary. Apportionment of moneys.

Unlawful for  
any officer to  
be interested  
in town con-  
tracts.

Punishment.

SEC. 25. It shall be unlawful for any Trustee or officer of the Town of Alameda, by himself, agent, or partner, to be, directly or indirectly, interested in any contract made by or with the said town, or in any purchase or expenditure made by or for the said town; nor shall any such Trustee or officer, by himself, agent, or partner, act as the attorney, agent, or adviser of any contractor for street work or other work with or within said town, upon which the Board of Trustees or such officer are required or empowered by law to take any action, or receive from said contractor any fee, gift, or reward; nor shall any Trustee vote upon any order, resolution, or ordinance in which he, his partner, or any member of his family may be interested; and any violation of the provisions of this section is hereby declared to be a misdemeanor, and on conviction thereof, in a Court of competent jurisdiction, the offender shall be punished by a fine not less than five hundred dollars and no more than one thousand dollars, and by imprisonment in the Jail of the County of Alameda not less than six months nor more than two years, and shall also be liable in a civil action to any person who may have been damaged by the malfeasance, and the Board of Trustees shall declare the office of such offender to be forfeited, and shall fill the vacancy in the manner heretofore provided in this Act.

SEC. 26. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 27. This Act shall take effect and be in force from and after the first day of May, A. D. eighteen hundred and seventy-eight.

CHAP. LXXX.—*An Act making appropriations for deficiencies for the twenty-seventh, twenty-eighth, and twenty-ninth fiscal years.*

[Approved February 21, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriations authorized.

SECTION 1. The following moneys are hereby appropriated out of the General Fund of the State for the objects herein named: For deficiency in appropriation for postage and expressage in office of Secretary of State for the twenty-seventh fiscal year, one hundred and sixty-five dollars and sixteen cents; for deficiency in appropriation for postage, expressage, and telegraphing, in office of Secretary of State for the twenty-eighth fiscal year, seven hundred and thirty-three dollars and seventeen cents; for deficiency in appropriation for postage and expressage in office of Superintendent of Public Instruction for the twenty-eighth fiscal year, eighty-seven dollars and five cents; for deficiency in appropriation for postage and expressage in office of Adjutant-General for the twenty-seventh fiscal year, sixty cents; for deficiency in appropriation for stationery, fuel, lights, blank books, etc.,



for the Legislature and State officers for the twenty-seventh fiscal year, seven thousand two hundred and fifty-one dollars and eleven cents; for deficiency in appropriation for repairs and furniture for State Normal School for the twenty-eighth fiscal year, twenty-nine dollars and nine cents; for deficiency in appropriation for arresting criminals without the limits of the State for the twenty-eighth fiscal year, one thousand eight hundred and three dollars and thirty cents; for deficiency in appropriation for transportation of prisoners to the State Prison for the twenty-eighth fiscal year, two thousand two hundred and forty-eight dollars and one cent; for deficiency in appropriation for salaries of District Judges for the twenty-eighth fiscal year, one thousand dollars; for deficiency in appropriation for salaries of District Judges for the twenty-ninth fiscal year, one thousand dollars; for deficiency in appropriation for payment of rewards for arrest and conviction of highway robbers for the twenty-eighth fiscal year, four thousand eight hundred dollars; for deficiency in appropriation for payment of rewards for arrest and conviction of highway robbers for the twenty-ninth fiscal year, twelve hundred dollars; for deficiency in appropriation to carry out the provisions of an Act entitled an Act to provide for the erection and maintenance of a Branch State Prison near the Town of Folsom, approved March thirteenth, eighteen hundred and seventy-four, three hundred dollars; for deficiency in appropriation for contingent expenses of the Board of Transportation Commissioners for the twenty-ninth fiscal year, two hundred and forty-nine dollars and thirty cents.

SEC. 2. This Act shall take effect immediately.

CHAP. LXXXI.—*An Act legalizing the assessment book and "delinquent list" in Los Angeles County.*

[Approved February 21, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. No irregularity, informality, or error in the description of the property, or other informality in the assessment for State and county taxes, made by the County Assessor, or his deputies, in and for the County of Los Angeles, for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, if it can be ascertained by competent evidence what is intended, shall invalidate such assessment, but the assessment book, consisting of three volumes, of said County of Los Angeles for said fiscal year, and the "delinquent list" made therefrom, and the copy of said list as now being published in a supplement of six pages to the Morning Republican, a newspaper published in Los Angeles County, notwithstanding any informality, irregularity, error, or omission in said "assessment book," "delinquent list," or

Assessment  
book and  
delinquent  
list legal-  
ized.

in the said copy as appears in said publication of date of February fourth, eighteen hundred and seventy-eight, are hereby made good and valid in every respect.

SEC. 2. This Act shall take effect immediately.

CHAP. LXXXII.—*An Act to amend an Act entitled an Act to separate the office of County Auditor from the office of County Recorder, and to regulate official salaries in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six.*

[Approved February 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That section two of an Act to separate the office of County Auditor from the office of County Recorder, and to regulate official salaries in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six, is hereby amended to read as follows: Section 2. The County Clerk of each of the Counties of Fresno and Kern shall be ex officio Recorders of his county, shall qualify and give bonds as required by law, and the County Clerk of each of the Counties of Tulare, Fresno, and Kern, and the County Recorder of Tulare County are entitled to charge, collect, and receive, to their own use, for services rendered by them or their deputies, in their several official capacities, the fees allowed by law.

County  
Clerks to be  
ex officio  
Recorders.

Compensa-  
tion.

SEC. 2. All Acts and parts of Acts, so far as the same are in conflict with this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. LXXXIII.—*An Act to authorize the Board of Supervisors of Nevada County to remove the bodies of certain deceased persons.*

[Approved February 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Removal of  
remains.

SECTION 1. The Board of Supervisors of Nevada County are hereby authorized and empowered to disinter and remove, or cause to be disinterred or removed, all human remains interred in the Moore's Flat Cemetery, and cause them to be re-interred in the cemetery near said town known as the Moore's Flat Cemetery.

Tombstones,  
etc.

SEC. 2. It shall be the duty of said Board of Supervisors

to cause said remains to be decently interred, and to cause any and all tombstones, ornaments, and inscriptions on the graves of said remains to be replaced and reërected in as good order on the new as on the original graves.

SEC. 3. The expense necessarily incurred, as authorized in section one of this Act, shall be a charge upon the General Fund of said county, and the Board of Supervisors are authorized to direct payment of the same out of said fund. Payment of expenses.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. LXXXIV.—*An Act for the relief of Julius Blume.*

[Approved February 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of three hundred dollars is hereby appropriated out of the State treasury, payable out of any moneys not otherwise appropriated, to pay Julius Blume for services rendered in arresting Juan Salazar, who, on the twenty-first day of October, eighteen hundred and seventy-six, in the County of Marin, robbed one William Brown, on the highway, while in his private conveyance, and afterwards murdered said Brown, for which crime of murder the said Salazar was convicted and executed. Appropriation authorized.

SEC. 2. The Controller of State is directed to draw his warrant on the State Treasurer, payable as aforesaid, in favor of Julius Blume, for the sum of three hundred dollars, and the State Treasurer is directed to pay the same. Controller to draw warrant.

SEC. 3. This Act takes effect immediately.

CHAP. LXXXV.—[See volume of *Amendments to the Codes.*]

CHAP. LXXXVI.—*An Act relative to certain duties of Constables in the several townships of the County of Alameda.*

[Approved February 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Constables elected within the several townships of the County of Alameda must attend Courts of Jus- Duties of Constables.

tices of the Peace within their townships, whenever so required, and, within said County of Alameda, execute, serve, and return all process and notices directed or delivered to them by a Justice of the Peace of the township in which such Constable or Constables have been duly elected, or by any competent authority therein.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. LXXXVII.—*An Act relative to executions from Courts of Justices of the Peace of the several townships of the County of Alameda.*

[Approved February 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Direction of  
executions.

SECTION 1. All executions that issue from Courts of Justice of the Peace, located in any township of the County of Alameda, must be directed to and served by the Sheriff of the county, or a Constable of the township in which the Justice's Court is held.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. LXXXVIII.—*An Act to amend an Act entitled "An Act to provide for a Police Contingent Fund," approved February twenty-eighth, eighteen hundred and fifty-nine.*

[Approved February 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An Act entitled "An Act to provide for a Police Contingent Fund," approved February twenty-eighth, eighteen hundred and fifty-nine, is hereby amended so as to read as follows:

Police  
Contingent  
Fund.

Section 1. The Board of Supervisors of the City and County of San Francisco shall annually set apart from the General Fund, in the treasury of said city and county, the sum of seven thousand two hundred dollars, to be called the Police Contingent Fund.

Payment of  
money, how  
made.

SEC. 2. The Police Commissioners of the City and County of San Francisco, or a majority of them, are hereby authorized to allow, out of the Police Contingent Fund of said city and county, any and all orders signed by the Chief of Police of said city and county; *provided*, that the aggregate of said orders shall not exceed the sum of seven thousand two hundred dollars per annum.

Sec. 3. The Auditor of said city and county is hereby authorized to audit, and the Treasurer of said city and county to pay out of the Police Contingent Fund, any and all orders so allowed by the Police Commissioners, not exceeding in the aggregate the sum of seven thousand two hundred dollars per annum. Duty of Auditor and Treasurer.

Sec. 4. At the end of each fiscal year any sum remaining in the Police Contingent Fund, upon which no order shall have been allowed, shall be returned to the credit of the General Fund. Money returned.

CHAP. LXXXIX.—[See volume of *Amendments to the Codes*.]

CHAP. XC.—*An Act to amend an Act entitled "An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Merced."*

[Approved February 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section six of said Act is amended to read as follows: The County Assessor shall receive a salary of one thousand dollars a year and six per cent. on all personal property taxes collected by him and paid into the county treasury, and the percentage allowed by law on all poll taxes collected by him and paid into the county treasury, which shall be in full of all compensation for all services rendered by him as County Assessor, Collector of poll taxes, and Collector of taxes on personal property; *provided*, that the Board of Supervisors may appoint Deputy County Assessors, as now allowed by law. Salary of Assessor.

SEC. 2. Section four of said Act is amended to read as follows: The Sheriff shall receive a salary of four thousand dollars per annum and six per cent. on all personal property taxes, not secured by real estate, collected by him, and the percentage allowed by law on all poll taxes collected by him as Tax Collector from and after the first Monday of July in each year, which shall be in full of all compensation for services rendered by him, his deputies, or assistants, as Sheriff, Jailor, and Tax Collector. Salary of Sheriff.

SEC. 3. This Act shall take effect and be in force on and after the first Monday in March, A. D. eighteen hundred and seventy-eight.

CHAP. XCI.—[See volume of *Amendments to the Codes.*]

CHAP. XCII.—*An Act to repeal an Act entitled an Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district, approved March twenty-seventh, eighteen hundred and seventy-six.*

[Approved February 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Repeal of  
Act.

SECTION 1. An Act entitled an Act to create a special road district in the County of Santa Barbara, and to provide a road fund for said district, approved March twenty-seventh, eighteen hundred and seventy-six, is hereby repealed.

SEC. 2. This Act shall take effect and be in force on and after its passage.

CHAP. XCIII.—[See volume of *Amendments to the Codes.*]CHAP. XCIV.—[See volume of *Amendments to the Codes.*]

CHAP. XCV.—*An Act entitled an Act to appropriate funds for the use of the County Clerk of San Diego County to pay deputies.*

[Approved February 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Salary of  
deputy.

SECTION 1. The Board of Supervisors of San Diego County are hereby required to audit and allow to the County Clerk of said county, as salary for the Deputy County Clerk, the sum of one thousand dollars per annum, to be paid in gold coin out of the Salary Fund of the county, in the manner and upon the conditions hereinafter specified. At each regular session of the Board of Supervisors the County Clerk shall make a full report of all the fees collected and charged by him, as Clerk of Court, for the three months preceding. Whenever it shall appear from such report that the aggre-

Report of  
fees col-  
lected.

gate fees of the County Clerk, collected and charged by virtue of his office as Clerk of the District, County, and Probate Courts, equals or exceeds the sum of seven hundred and fifty dollars for the three months reported, no allowance shall be made; but when the sum of fees so collected and charged falls below seven hundred and fifty dollars, for the period of three months, then the Board of Supervisors shall audit and allow to said County Clerk such a sum as, taken in connection with the sum of fees reported, will not exceed seven hundred and fifty dollars per quarter of three months; *provided*, that such allowance shall not exceed two hundred and fifty dollars for any one term of three months.

SEC. 2. The Auditor is hereby required to issue his warrant on the County Treasurer, payable out of the Salary Fund, in favor of said County Clerk, for such sum as the Board of Supervisors may allow by virtue of this Act, and the County Treasurer is hereby required to pay the same.

Auditor  
to issue  
warrant.

SEC. 3. This Act shall take effect and be in force from and after the first Monday in March, A. D. one thousand eight hundred and seventy-eight.

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CHAP. XCVI.—*An Act to change the name of a town in Amador County.*

[Approved February 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The name of the Town of Fiddleton, in the County of Amador, shall hereafter be known as Oleta.

Name  
changed.

SEC. 2. This Act shall take effect on the first Monday of May, A. D. one thousand eight hundred and seventy-eight.

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CHAP. XCVII.—*An Act to fix the compensations of Road Overseers of the Counties of Alameda and San Mateo, and in relation to the road poll tax thereof.*

[Approved February 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Each Road Overseer of the Counties of Alameda and San Mateo shall receive, from moneys coming into their hands belonging to his road district, the sum of three dollars for each day's service performed by him, to be credited and allowed by the Board of Supervisors; *provided*, that in the County of Alameda the Road Overseer shall not

Compensa-  
tion of Road  
Overseers.

receive a compensation to exceed three hundred dollars per annum.

Road poll  
tax.

SEC. 2. Every male inhabitant of a road district within the Counties of Alameda and San Mateo, over twenty-one and under fifty years of age, must annually pay a road poll tax of two dollars; *provided*, the same be paid between the first Monday in January and the first Monday in July in each year: but if not paid prior to the first Monday in July, then it shall be three dollars.

Collection of  
tax.

SEC. 3. The road poll tax must be collected by the Road Overseers in the counties herein named, without any fee or compensation for collecting the same, except as provided in section one of this Act.

Tax receipts.

SEC. 4. The Board of Supervisors of the Counties of Alameda and San Mateo shall cause to be printed, respectively, of two and three dollar receipts, a sufficient number for the use of the Road Overseers; *provided*, the style of such blanks be changed every year; *and further provided*, that the said Board of Supervisors may pass all ordinances requisite to carry the provisions of this Act into full effect.

Powers con-  
ferred on  
Road Over-  
seers.

SEC. 5. All the powers and authority conferred under the laws of this State on Assessors, or any other officer authorized to collect State poll tax, are hereby conferred on the Road Overseers of the Counties of Alameda and San Mateo.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall take effect from and after its passage.

#### CHAP. XCVIII.—*An Act relating to the Assessor's office of El Dorado County.*

[Approved February 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Assessor to  
appoint  
deputies.

SECTION 1. The Assessor of El Dorado County is hereby authorized and empowered to appoint one or more deputies, whose compensation shall be fixed by the Board of Auditors of said county and paid out of the Current Expense Fund of said county; *provided, however*, that the aggregate compensation in any one year, for all such deputies, shall not exceed the sum of one thousand dollars.

SEC. 2. All Acts and parts of Acts in conflict with this Act, now in force, are hereby repealed, so far as they relate to the Assessor of El Dorado County.

SEC. 3. This Act shall take effect from and after its passage.



CHAP. XCIX.—*An Act repealing section four of an Act extending the provisions of an Act concerning hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa, to Modoc County, approved March twenty-third, one thousand eight hundred and seventy-four, so far as the same relates to that portion of Modoc County known as Adin Township.*

[Approved February 25. 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four of an Act extending the provisions of an Act entitled an Act relating to hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa, approved March twenty-sixth, eighteen hundred and fifty-seven, so as to be made applicable to Modoc County, approved March twenty-third, eighteen hundred and seventy-four, is hereby repealed, so far as the same relates to Adin Township, County of Modoc.

Township  
exempted  
from provisions of an  
Act.

SEC. 2. This Act shall be in force and effect from and after its passage.

CHAP. C.—[See volume of *Amendments to the Codes.*]

CHAP. CI.—*An Act to regulate and limit the payment of money out of the treasury of the City and County of San Francisco.*

[Approved February 25. 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall not be lawful hereafter for the Board of Supervisors of the City and County of San Francisco, or any committee, officer, or Board having power to authorize or contract liabilities against the treasury of said city and county, to authorize, allow, contract for, pay, or render payable, in the present or future, in any one month, any demand or demands against said treasury, or any of the funds thereof, which shall in the aggregate exceed one-twelfth part of the amount allowed by laws existing at the time of such contract, authorization, allowance, payment, or liability, to be expended within the fiscal year of which said month is a part. If at the beginning of any month any money remains unexpended in any of the funds set apart for maintaining the municipal government of the City and County of San Francisco, and which might lawfully have been expended

Expenditure  
of money  
limited.

the preceding month, such unexpended sum or sums may be carried forward and expended, by order of the Board of Supervisors, in any succeeding month.

Contracts in violation of section one made void.

SEC. 2. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made in violation of section one of this Act, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of said city and county. And all officers of said city and county are charged with notice of the condition of the treasury of said city and county and the extent of the claims against the same.

Duty of Superintendent of Public Streets.

SEC. 3. It is hereby made the duty of the Superintendent of Public Streets, Highways, and Squares of said city and county to keep an exact account of all street work upon accepted streets, as well as every other expenditure chargeable to or payable out of the Street Department Fund, or expended under the supervision of said Superintendent, in any manner whatsoever, and for that purpose he shall have the power to demand and receive from every other city and county officer detailed statements in writing, when necessary to keep said account; and it is hereby made the duty of any and all officers to furnish said Street Superintendent said statements when demanded. Such account so kept by said Superintendent shall show every contract for street work and authorization of expenditure from their incipency through the various stages of their progress to completion, with the amount to be paid for the same, so far as the same is capable of exact estimation, and when not, a sworn estimate of the probable cost. Said account shall be kept constantly posted up to date, so that it can be known exactly at any time what part or proportion of the monthly sum allowed by this Act and existing laws has been contracted for, paid, or rendered liable to pay in the present and future.

Notice of limit of expenditure.

SEC. 4. Whenever at any time the contracts performed or unperformed, lawful claims due or to become due, exceed the amount that can lawfully be expended during any one month, the Superintendent of Streets shall give notice, in writing, to the Auditor and Treasurer of said city and county, and also the Board of Supervisors, by notice in writing, served upon the Clerk of said Board. Notice of the fact that the legal limit of expenditure for the month has been reached, and that no more claims can be lawfully contracted, shall be posted in a conspicuous place in the Street Superintendent's office by said officer, and in the office of the Clerk of the Board of Supervisors by said Clerk.

Liability for failure or neglect.

SEC. 5. Any failure or neglect on the part of the Superintendent of Public Streets and Highways to comply with any of the provisions of this Act shall render him liable personally, and upon his official bond, to any contractor or other person suffering damage by his said failure or neglect.

Liability for aiding claims in violation of this Act.

SEC. 6. All Supervisors, as well as the Auditor and any other officer authorizing or aiding to authorize, or auditing, or allowing any claim or demand upon or against said treasury, or any fund thereof, in violation of any of the provis-

ions of this Act, shall be liable in person, and upon their several official bonds, to the contractor damaged by such illegal authorization, to the extent of his loss by reason of the non-payment of his claim.

SEC. 7. The Treasurer paying any claim authorized, allowed, or audited in violation of this provision, shall be <sup>Treasurer</sup> liable on his official bond to refund the same to the city and county treasury.

SEC. 8. This Act shall take effect and be in force on and after the first day of the month succeeding its passage.

CHAP. CII.—*An Act to repeal an Act to authorize the Board of Supervisors of the County of Colusa to approve official bonds of the county and township officers of said county, approved February eighteenth, one thousand eight hundred and seventy-eight.*

[Approved February 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An Act to authorize the Board of Supervisors of the County of Colusa to approve official bonds of county and township officers of said county, approved February eighteenth, one thousand eight hundred and seventy-eight, is hereby repealed. <sup>Repeal of Act.</sup>

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CIII.—*An Act supplemental to and amendatory of an Act entitled an Act to facilitate the construction of a canal for the improvement of Oakland Harbor, approved April third, eighteen hundred and seventy-six.*

[Approved February 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the County of Alameda are hereby authorized and empowered to direct the Treasurer and Auditor of said county to transfer the sum of twenty-six thousand seven hundred and fifty-four dollars and twenty cents from the Canal Fund to the General Fund of said county. <sup>Transfer of money.</sup>

SEC. 2. Section three of the Act referred to is amended to read as follows: Section 3. Upon the certificate of the United States District Attorney for California, that on proceedings for condemnation damages have been awarded to <sup>Damages awarded.</sup>

the claimants of said lands, and that the decree concerning the same has become final, the Supervisors of Alameda County shall direct the Auditor of said county to draw his warrant upon the County General Fund in such sum as shall be necessary to realize the sum of twenty-five thousand dollars in United States gold coin, in favor of the Clerk of the Court in which such proceedings for condemnation were had for the damages so awarded, and the Treasurer of said county shall pay the warrant, with legal interest, in United States gold coin; *provided*, that if the damages be made payable in lawful currency of the United States, said Board of Supervisors shall direct such warrant to be drawn, and said Auditor shall draw such warrant, for such sum in United States gold coin as will purchase, at then current rates of premium or discount, the said sum of twenty-five thousand dollars in lawful currency of the United States, and the said Clerk of said Court shall convert the same into lawful currency and pay the same to the parties entitled under the decree of condemnation.

Conversion  
of money  
into lawful  
currency.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect immediately.

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CHAP. CIV.—*An Act to authorize Mad River Boom and Land Company to construct and maintain booms in Humboldt Bay.*

[Approved February 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Authorizing  
construction  
of booms.

SECTION 1. Mad River Boom and Land Company are hereby authorized to construct and maintain booms, for the purpose of holding logs, on what is known as "Big Lagoon," and in the sloughs leading to the same, in the northern part of Humboldt Bay, for the term of twenty years.

SEC. 2. This Act shall take effect and be in force from and after its passage.

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CHAP. CV.—*An Act supplementary to an Act entitled an Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara.*

[Approved February 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Extension of  
time.

SECTION 1. The time limited by section one of the said Act for the completion of said railroad is hereby extended for four (4) years from and after the passage of this Act.

CHAP. CVI.—*An Act to amend an Act entitled "An Act concerning roads and highways in the County of Placer," approved March twenty-third, eighteen hundred and seventy-six.*

[Approved February 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section five of the above entitled Act is hereby amended so as to read as follows: Section 5. It shall be the duty of each Roadmaster to have charge of, maintain, and keep in repair all public roads, trails, highways, and bridges in his district, and none other. He shall cause suitable guide-boards to be erected at the junction of important roads and trails, purchase materials and lumber for any necessary work on the highways of his district, and shall perform such other work in the construction, repair, and maintenance, and opening of new roads and trails as may be required by any order or ordinance of the Board of Supervisors; but there shall not be expended in any road district, by the Roadmaster thereof, during any year, more money than is collected for said district during such year, except upon the order of the Board of Supervisors, as provided for in section twenty-three of this Act.

Duty of Roadmasters.

SEC. 2. Section thirteen of the above entitled Act is hereby amended so as to read as follows: Section 13. All public roads established under the provisions of this Act shall be made to conform to section lines as nearly as possible, and shall, except when otherwise specially ordered (for cause shown, both to be entered in their minutes) by the Board of Supervisors, be sixty feet in width, except in towns and villages where they may be made to conform to the streets and alleys therein. All public trails shall be four feet in width, and the width of any private road shall not exceed forty feet.

Width of streets.

Trails.

SEC. 3. Section twenty-one of the above entitled Act is hereby amended so as to read as follows: Section 21. The County Treasurer shall place to the credit of each road district all moneys received by him, as apportioned by the Auditor to said District Road Funds, and shall pay out the same on the warrant of the Auditor, which warrants shall be based upon allowances made by the Board of Supervisors. The Board of Supervisors shall have the authority, in their discretion, to direct the County Treasurer, on the first Monday in March in each year, to transfer any and all moneys then remaining in any of the District Road Funds, after all outstanding demands against the same have been paid, to a fund to be called the "General Road Fund," hereinafter provided for.

Duty of County Treasurer.

Transfer of money.

SEC. 4. Section twenty-two of the above entitled Act is hereby amended so as to read as follows: Section 22. At the time of making the levy of State and county taxes of each year, the Board of Supervisors of Placer County may, in their discretion, levy a property tax, not to exceed twenty cents on

Property tax for road purposes.

each one hundred dollars value of taxable property in the County of Placer, for road purposes, which tax shall be levied, assessed, and collected as other property taxes are levied, assessed, and collected, and when paid into the county treasury shall be apportioned to the General Road Fund of the county.

Appropriation for repair of bridges, etc.

SEC. 5. Section twenty-three of the above entitled Act is hereby amended so as to read as follows: Section 23. Whenever it appears to the satisfaction of the Board of Supervisors that there is not a sufficient amount of money in any of the several District Road Funds to keep and maintain the public roads, highways, or trails in any of said road districts in proper repair, or that it is necessary to construct or repair bridges therein, the Board shall have power to appropriate, from any money then in the General Road Fund, such sums as they shall deem necessary, and apply the same toward the construction or repair of bridges, the construction of, or the maintenance of the public highways in any one or more of the road districts of said county.

Purchase of toll road.

SEC. 6. Section twenty-four of the above entitled Act is hereby amended so as to read as follows: Section 24. Upon the purchase of any toll road the Board of Supervisors may direct a warrant to be drawn, payable out of the General Road Fund, for the price thereof; *provided*, that the price to be paid therefor shall, in no event, exceed the balance of money then remaining in the General Road Fund.

SEC. 7. This Act shall take effect on and after the first Monday in March, A. D. eighteen hundred and seventy-eight.

CHAP. CVII.—*An Act supplementary to and amendatory of an Act entitled "An Act to incorporate the Town of Red Bluff, Tehama County, California," approved March thirty-first, eighteen hundred and seventy-six.*

[Approved February 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows.*

Boundaries.

SECTION 1. Section two of said Act is hereby amended so as to read as follows: Section 2. The boundaries of the Town of Red Bluff shall be as follows: Beginning at the southeast corner of section nineteen, township twenty-seven north, range three west, Tehama County, California, running east to the intersection of said line with Reed's Creek; thence down said creek to its junction with the Sacramento River; thence up the west bank of said river to a point where the section line, between sections nineteen and twenty, township twenty-seven north, range three west, intersects said river; thence north to the northeast corner of section nineteen; thence west twenty chains; thence south to Brewery Creek; thence up said creek about twenty chains to

quarter section line; thence south about one chain to a stake; thence west twenty chains; thence south twenty chains; thence east twenty chains; thence south forty chains; thence east forty chains to place of beginning.

SEC. 2. Section five of said Act is hereby amended so as to read as follows: Section 5. Two weeks' notice of such election for Trustees shall be given by the President and Secretary of the Board of Trustees by publication in such newspapers, in the Town of Red Bluff, as the Board may direct. Such notice shall designate the time and place of holding such election, and shall name one Inspector and two Judges of such election; *provided*, that if at any time the President and Secretary fail to give such notice, the electors of said town may meet on the morning of election day at the Town Hall in said town and appoint one Inspector and two Judges of such election, and the same shall be valid and binding as if notice had been published.

Notice of election.

SEC. 3. Section eight of said Act is hereby amended so as to read as follows: Section 8. There shall be elected at the annual election held in said town for the election of Trustees, an Assessor, who shall be ex officio Tax Collector. The Board of Trustees shall have the power, and it shall be their duty so to do, to appoint a Treasurer, Marshal, and the police force required, and to make such regulations governing the police force as they may deem necessary, and to provide for the payment of their salaries for services rendered. It shall be the duty of the Treasurer to receive all moneys due the town, to pay all warrants drawn by order of the Board, signed by the Secretary and countersigned by the President, and to keep an accurate account of all receipts and expenditures, and to present to the Board a full report of the financial condition of the corporation one month before the annual election, and at such other times as the Board may require. He shall give bonds in the sum of five thousand dollars, conditioned for the faithful performance of his duties, and shall receive, as a compensation for his services, an annual salary of such sum as the Board may award him, not to exceed one hundred dollars. The Assessor and Collector shall collect such taxes as may be levied by the Board of Trustees, and shall pay such taxes, less his commission (which shall be allowed by the Board), over to the Treasurer, taking his receipt for the same. He shall give bonds in the sum of five thousand dollars, conditioned for the faithful performance of his duties. The Marshal shall collect and pay over to the Treasurer all fines and costs levied and imposed by reason of a violation of an ordinance of the town, and for such purposes shall have the power conferred by law upon Constables. He shall arrest all persons against whom a warrant shall be directed, and delivered to him from any Justice of the Peace of the town, and may arrest, without a warrant, any person actually engaged in his presence in the violation of an ordinance, and shall receive such fees as shall be prescribed by the Board of Trustees, to be taxed by the Justice of the Peace having jurisdiction of such violation, against the defendant; *provided*, that in no case shall he receive greater

Assessor elected.

Duty of Trustees.

Treasurer.

Assessor.

Marshal.

Salary.

fees than Constables are allowed by law for similar services. He shall receive for his services such salary as the Board of Trustees may fix, not to exceed one hundred dollars a month. He shall receive no other compensation for his services than that provided for in this Act. He shall give bonds in the sum of two thousand dollars, conditioned for the faithful performance of his duties.

**Power of Trustees.** SEC. 4. Section ten of said Act is hereby amended so as to read as follows: Section 10. The Board of Trustees shall have power within said town:

**By-laws.** *First*—To make by-laws and ordinances not repugnant to the Constitution and laws of this State, and to pass all by-laws and ordinances necessary and proper, properly carrying into effect the powers in this Act given them.

**Tax.** *Second*—To levy and collect annually a tax, not to exceed one per cent., on the assessment valuation of all property, both real and personal, owned within said town.

*Third*—To impose and collect a road poll tax, not to exceed two dollars per annum, on and from each male inhabitant of said town of the age of twenty-one years and upwards.

*Fourth*—To impose and collect a tax of not to exceed two dollars per annum on every dog owned within the limits of said town, and no other dog tax shall be collected in said Town of Red Bluff.

**Fire department.** *Fifth*—To establish and alter fire limits; to erect, purchase, or lease proper buildings for a fire department; to purchase, hold, and maintain one or more engines, and such apparatus and implements for the prevention and extinguishment of fires as may be necessary, and to establish, regulate, and control a fire department in said town.

**Explosive materials.** *Sixth*—To regulate the storage of gunpowder, tar, pitch, rosin, and other extremely explosive or combustible materials; to regulate the erection of steam-boilers and engines, and to prohibit the erection thereof in places deemed dangerous to the inhabitants of said town.

**Nuisances.** *Seventh*—To determine what are nuisances; to prevent, remove, or abate the same at the expense of the party causing such nuisance; to control and regulate soap and glue works, slaughtering houses, tanneries, and other offensive trades, and to provide for their exclusion or removal from the town limits or any part thereof.

**Animals running at large.** *Eighth*—To prevent any or all domestic animals from running at large within the limits of said town, either all or a portion of the time; to prevent the leaving of animals in any street or alley without securely fastening the same; to prohibit the fastening to, or otherwise destroying or injuring any fence, gate, building, lamp-post, hydrant, tree, or case around a tree, in said town, and to regulate and prohibit fast driving in any portion of the town.

**Health regulations.** *Ninth*—To provide for the regulation and prevention of contagious diseases; to provide and enforce regulations for the protection of health and cleanliness; to control and regulate interments, and to provide for the prevention and summary removal of all filth and garbage.

**Pound and keeper.** *Tenth*—To establish a pound and a Pound-keeper, and pre-



scribe his duties and fees; to provide for a public sale by the Pound-keeper of such animals as shall be impounded; to provide and what animals shall be impounded; to provide for the repayment to the owner, within the limited time, of the money arising at sale of impounded animals, less such costs as the Board may provide.

*Eleventh*—To permit the laying of railroad tracks and the running of cars, drawn by horse or steam, thereon, making such prohibitions and restrictions as the safety of the town may demand, and to fix and regulate the rate of speed at which cars drawn, either by horse or steam, may be run within the town limits. Laying of tracks.

*Twelfth*—To prevent the discharge of pistols, fire-arms, or cannons within prescribed limits.

*Thirteenth*—To establish, alter, and repair town prisons, regulate the same, provide for the care, feeding, and clothing of town prisoners; to provide for the formation of a chain-gang for persons convicted of crimes and misdemeanors, and their proper employment for the benefit of the town, and to provide for the arrest and compulsory working of vagrants. Prison regulations.

*Fourteenth*—To establish and regulate markets and market places.

*Fifteenth*—To prohibit, and regulate, and suppress, or to fix, in their discretion, and collect a license tax on all dance houses, fandango houses, cock-fights, bull-fights, dog-fights, and all exhibitions and amusements which are against good morals and public decency, and to prohibit and suppress all houses of ill-fame or prostitution. License tax.

*Sixteenth*—To fix and collect a license tax on all shows, theatrical and circus performances, and all other performances where an admission fee is charged, or which may be held in a place where wines or liquors may be sold to the participators, and on all billiard tables and bowling alleys, and regulate and restrain the same. Same.

*Seventeenth*—To license, regulate, and fix the rate of license tax upon all kinds of business, employment, occupations, or trades of a lawful nature carried on within the town limits. The amount of license tax upon everything which the Board of Trustees are by this Act authorized to license, shall be fixed at the discretion of the Board of Trustees, and as they may deem the interests and good order of the town may require, but which shall not exceed the amount fixed by law for State and county purposes on business of like character. Same.

*Eighteenth*—To purchase or lease such real or personal property and to erect such buildings as may be necessary for town officers and a Town Prison, or for the interest of said town; to sell, convey, and mortgage the same when deemed necessary by said Board.

*Nineteenth*—To construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for supplying the town with water; to provide for the establishment, regulation, and maintenance of water-works, and to grant permission to lay water pipes in the streets of said town, with such Water-works.

restrictions and prohibitions as the interests of the town may demand.

*Twentieth*—To provide for and regulate the lighting of the streets of said town.

Streets  
opened.

*Twenty-first*—To lay out streets and alleys; to declare any streets now open, or which may be hereafter opened, public streets; to determine the width and grade of all streets, alleys, and sidewalks in said town; to regulate and direct the planting of shade trees on the streets of said town, and provide for draining the same.

*Twenty-second*—To provide for the improvement and repair of streets and the construction, improvement, and repair of sidewalks in the manner in this Act hereinafter provided.

*Twenty-third*—To provide when and at what places on the streets of said town, crossings may be made; to remove the same and to regulate and prescribe the manner of construction thereof, and of what material the same shall be made.

*Twenty-fourth*—To provide for inclosing, improving, and regulating all public grounds, at the expense of the town.

Special  
policemen.

*Twenty-fifth*—To provide for the good order of the town and appoint special policemen when deemed necessary.

*Twenty-sixth*—To provide for the numbering of all buildings facing on the streets of said town.

*Twenty-seventh*—To order paid any final judgment against said town; but none of its lands or property of any kind or nature, taxes, revenues, franchises, rights, or interests shall be attached, levied upon, or sold, in or under any process whatever.

Condemna-  
tion of  
property.

*Twenty-eighth*—Such power to condemn private property for town use, and to dedicate property within its limits to public use as is conferred upon cities by the general laws of the State, or is or may be conferred upon said Trustees by special enactment.

Board of  
Equaliza-  
tion.

SEC. 5. Section eleven of said Act is hereby amended so as to read as follows: Section 11. The said Board of Trustees shall sit as a Board of Equalization, and shall be governed by the general laws of the State regulating the powers and duties of County Boards of Supervisors in similar proceedings. All taxes levied under the provisions of this Act are hereby made a lien against the property assessed, which lien shall attach on the day of the levy and shall not be satisfied or removed until such taxes are paid or the property has absolutely vested in a purchaser under sale for such taxes.

Power of  
Board to  
create in-  
debtedness  
limited.

SEC. 6. Section twelve of said Act is hereby amended so as to read as follows: Section 12. The Board of Trustees shall have no power to create any indebtedness exceeding one thousand five hundred dollars in the aggregate upon the credit of the town. Warrants shall not be drawn upon the Town Treasurer unless there be sufficient money to meet the same after paying the current expenses of the town and all demands legally due. The Board of Trustees shall have the further power, when they may deem essential the expenditure of a larger sum of money than is specified in this section as the limit of their power to contract indebtedness on

the credit of the town, to make suggestions as to the sum needed, the purposes of its use, and appoint the time and place of holding an election, in conformity with the provisions of this Act governing other elections, at which the qualified electors of the town may vote for or against a special tax for the purposes designated. The ballots to be used at such election shall have printed on them: For the Special Tax—"Yes;" or, For the Special Tax—"No."

Ballots used.

SEC. 7. Section fourteen of said Act is hereby amended so as to read as follows: Section 14. The Board of Trustees shall, by ordinance, fix the time and manner of collecting all taxes hereinbefore provided for, and the time and manner of selling property for such taxes when unpaid. All property sold for such unpaid taxes shall be subject to redemption, upon the same conditions as property sold for State and county taxes.

Board to fix time of collecting taxes.

SEC. 8. Section fifteen of said Act is hereby amended so as to read as follows: Section 15. All ordinances passed by the Board of Trustees shall be signed by the President and Secretary, and published in such newspaper, printed in the town of Red Bluff, as the Board may direct.

SEC. 9. The Board of Trustees shall have the power, upon the petition by the owners of a majority of the real estate fronting on both sides of any projected street or alley, or upon a street or alley already established and sought to be extended, or upon any street or alley already established and sought to be altered, to lay out, to extend, or to alter such street or alley, if they deem it necessary for the public good. Whenever the Board orders such streets or alleys to be laid out, extended, or altered, and it becomes necessary to take private property for the purpose of laying out, extending, or altering the same, and the Board of Trustees cannot agree with the owner thereof as to the price to be paid, they may direct proceedings to be taken under Title Seven, Part Three, of the Code of Civil Procedure, to procure the same.

Alteration of streets and alleys.

SEC. 10. If at any time the owners of more than one-half in frontage of lots and lands fronting on any street or proposed street, between two given points on such street, or their duly authorized agent, shall petition the Board of Trustees to order such street to be graded, macadamized, provided with sewers, or otherwise improved between such points, then it shall be the duty of the Board of Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of, and the improvements to be made on such street, and shall order such improvements as petitioned for to be made in accordance with such plans and specifications, and may make an assessment of the cost thereof to each of the persons owning the real estate frontage on such street, between said points, at such rate per front foot as may be necessary to furnish the cost of such work; and such assessment shall constitute a lien on such real estate, until the same is paid. All work done under the provisions of this section to be let by contract to the lowest bidder.

Grading and sewerage.

Construction of  
sidewalks.

SEC. 11. If at any time the owners of a majority of the real estate fronting on one side of any street shall petition the Board of Trustees to order to be constructed, altered, or to be repaired, a sidewalk along such side of said street, between two given points, then it shall be the duty of said Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of the sidewalk, and shall order such improvement to be made as petitioned for, in accordance with said plans and specifications, and shall make an assessment of the cost thereof to each of the persons owning the real estate fronting on that side of the street, between the given points, each of said persons to pay the cost of the improvement in front of his own property, and the same shall constitute a lien on such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making such improvement in front of his own property, in accordance with the specifications and within the time mentioned in the order requiring such improvement to be made, but if not so made, then the Board of Trustees shall have jurisdiction to order it done, and the cost thereof shall remain assessed to and be a lien on the land as aforesaid.

SEC. 12. Whenever in the opinion of the Board of Trustees it shall become necessary to construct or repair a culvert or sidewalk at the intersection of two streets, they shall have the power to order the Marshal to construct the same. When such a culvert or sidewalk shall run parallel with a street, the cost of the same shall be assessed by the Board of Trustees to the two quarter blocks adjacent thereto on the same side of the street, and each lot or part of lot on such quarter block shall be assessed separately, in proportion to its amount of frontage on the street to which said sidewalk or culvert is parallel. The said assessment shall be a lien on such property, and so continued until paid or satisfied; *provided*, said Board of Trustees may assess less than the entire cost of such improvement on such two quarter blocks, and may pay the balance, or may pay the entire cost of such work out of the town treasury.

Improvement of  
crossings.

SEC. 13. Whenever any street to be improved as provided in section ten of this Act shall cross any other street, the expense of the improvement of such crossing shall be assessed by the Board of Trustees on the four quarter blocks adjoining and cornering on such crossing, and each lot or part of lot in such quarter block fronting on such street where the improvement is being or about to be made shall be separately assessed, according to its proportion of frontage on such street sought to be improved or being improved, and such assessment shall constitute a lien on such real estate until paid or satisfied; *provided*, that the Board of Trustees may assess less than the entire cost of such improvement on such four quarter blocks, and may pay the balance, or may pay the entire cost of said improvement out of the town treasury.

SEC. 14. When any sidewalks, or gutter, or any portion of the same, becomes out of repair, dangerous, or in a con-

dition to cause great inconvenience, and shall be so determined by the Board of Trustees, the Marshal shall, by notice in writing, to be delivered personally to the owners, occupants, or tenants of any real estate (or, if unoccupied, by posting the same on the premises) in front of which such repairs or improvements are required to be made, requiring them to make such improvements or repairs forthwith, particularly specifying in such notice what improvements or repairs are required to be made; *provided*, no one shall be required to make any such repairs or improvements further from such real estate than the middle of the street. If such improvements or repairs are not commenced within three days after notice given as aforesaid, and diligently prosecuted to completion, the Town Marshal shall be deemed to have acquired jurisdiction to contract for the doing of the work or improvements required by such notice, and may pay for doing the same such price as may be reasonable and just, and such owner shall be liable to pay the same, and all sums of money contracted to be paid for such work shall be a lien upon the real estate in front of which to the middle of the street said work or improvements shall have been made, and remain a lien on the same until paid or satisfied. Upon the completion of such repairs or improvements the Marshal shall give notice to the owners, occupants, or tenants of such real estate (or, if unoccupied, by posting on the premises) of the amount of the cost of the same, and requiring each owner, occupant, or tenant, within twenty days thereafter, to pay his proportion thereof, according to the frontage owned by him, to the Collector of the Town, and shall immediately thereafter give the said Collector a written statement, containing a description of the work done, the date of the order directing it, the amount of the cost thereof, the description of the land to be charged with the said cost, the name of the owner, if known, and the date and manner of service of said last mentioned notice, and the amount due from each owner, occupant, or tenant. If the amount named in such notice is not paid to said Collector within twenty days after the delivery or posting of such notice he shall declare the same delinquent, by an entry on said statement, and add five per cent. to the amount. The Collector shall then proceed to collect the amount so delinquent from the sale of property, in the manner in section fifteen of this Act provided, being for that purpose vested with all the powers therein given him.

Dangerous  
sidewalks  
and gutters.

SEC. 15. When any work to be done under the provisions of sections ten, eleven, twelve, and thirteen of this Act shall have been ordered by the Board of Trustees, they shall direct the Assessor of the town to make a full and complete list of property to be charged with the expense thereof, and when known the names of the owners of each lot or part of a lot set opposite the same, specifying the number of front feet in each lot so charged, and the rate per front foot that each lot has been assessed, and shall carry out the full amount to be charged against each separate lot or parcel of land into a separate column, and the total shall be added up at the foot

Assessor to  
make a list  
of property.

thereof. Such list shall be completed and delivered to said Board within ten days, unless the Board shall, by order, grant further time. When the said list shall have been approved by the Board they shall cause the same to be delivered to the Collector of the Town. When the work so ordered shall have been completed and accepted by said Board of Trustees, they shall direct the said Collector to proceed and collect the several amounts so assessed. The Collector shall thereupon give notice to parties interested by two weeks' publication, in some newspaper printed in said town, stating that the said assessment is due, and requiring the same to be paid within thirty days from the first publication of such notice; and when any payment is made he shall write the word "paid" against such amount, and shall also write the word "paid" against each amount when persons have made the improvements required by section eleven of this Act themselves.

Upon the completion of the thirty days, he shall declare the assessments unpaid to be delinquent, by an entry in writing at the foot of the roll, and then shall add five per cent. to each sum so delinquent. He shall then proceed, after having given notice, as required by law in the collection of State and county taxes upon real property, to collect the various amounts so delinquent, including the percentage aforesaid, the cost of advertising, and such other costs as are allowed by law in the collection of State and county taxes, from the sale of the property, or so much thereof as may be necessary, which sales he is hereby authorized to make. In all things concerning such sales, the execution of certificates and deeds, the said Collector shall be governed by and as nearly as practicable conform to the same rules and directions as are contained in the laws now in force, or which may be at the time in the County of Tehama, providing for the sale of real property for the collection of delinquent State and county taxes, the same powers being hereby conferred on said Collector as are or may be given to Tax Collectors of said county in cases of sale of real property for the collection of delinquent State and county taxes.

SEC. 16. The Board of Trustees may exercise and carry into effect all powers conferred on them by sections nine to fifteen, inclusive, of this Act, by motions, resolutions, or orders, spread on the minutes of the proceedings of said Board.

SEC. 17. It shall be the duty of the Board of Trustees to publish in a newspaper printed in the town, quarterly, a full and detailed statement of the transactions of the Board, and of the finances of the city, and in every such statement the different sources of the town revenue, and the amount received from each, the several appropriations made by the Trustees, the objects for which the same were made, and the amount of money expended under each, the moneys borrowed on the faith and credit of the city, the authority under which each loan was made, and the terms on which it was obtained; all of which shall be clearly and particularly set forth in such statement.

SEC. 18. Section seventeen of said Act is hereby amended

so as to read as follows: Section 17. The Board of Trustees may appoint an attorney, and allow him for his services what they may reasonably be worth, and also such fees, in cases of convictions for breaches of ordinances, as the Board of Trustees may fix. It shall be his duty to attend all meetings of the Board of Trustees, when required by the Board, or any member thereof; to conduct on behalf of the town all prosecutions for breaches of ordinances of said town; to defend all suits brought against the town; to prosecute all actions brought for the recovery of debts, fines, forfeitures, and penalties accruing to the town; and give, when required by the Board, without fee, his opinion, in writing, on matters relating to the duties of the several officers of the town, and the government and control thereof.

Board to  
appoint an  
attorney.

Duty of  
same.

SEC. 19. The Board of Trustees shall have power to contract for the printing required by said town; and it shall be their duty to give two weeks' notice, to be published in some newspaper in said town, that they will, at a regular meeting, receive proposals to do the corporation printing for the period of one year from the date of said meeting. The bids shall be opened by the Board, and the contract to do said printing awarded to the lowest responsible bidder, upon his executing a bond in the sum of five hundred dollars for the faithful performance of his duties.

Town  
printing.

SEC. 20. Section twenty-five of said Act is hereby amended so as to read as follows: Section 25. The Assessor of Tehama County, and every officer of said county whose duty it is to collect the road poll tax therein, shall pay to the Treasurer of the Town of Red Bluff one-half of all road poll taxes collected from residents within the limits of said town; said moneys to be used by the Trustees to keep in repair the streets and alleys of said town.

One half of  
amount of  
poll tax to  
be paid to  
Treasurer.

SEC. 21. If at any time the owner of more than one-half in frontage of lots and lands fronting on any street between two given points on such street, or their duly authorized agents, shall petition the Board of Trustees to order such street to be sprinkled between such points, specifying in such petition the number of days, exclusive of Sundays, commencing at a given date, for which it is to be sprinkled, and the number of times it is to be so sprinkled each day, then it shall be the duty of the Board of Trustees to order such street, between the points named, to be sprinkled as prayed for, and may make an assessment of the cost thereof to each of the persons owning real estate fronting on such street between the points named, at such rate per front foot as may be necessary to furnish the cost of such work, and such assessment shall constitute a lien on such real estate until the same is paid. All work done under the provisions of this section to be let by contract to the lowest bidder.

Sprinkling  
of streets.

SEC. 22. When any work done under the provisions of section twenty-one of this Act shall have been ordered by the Board of Trustees, they shall direct the Assessor of the town to make a full and complete list of the property to be charged with the expense thereof, and when known, the names of the owner of each lot, or part of a lot, set opposite

Assessor to  
make a list  
of property  
to be  
charged.

the same, specifying the number of front feet in each lot so charged, and the rate per front foot that each lot has been assessed, and shall carry out the full amount to be charged against each separate lot, or parcel of land, into a separate column, and the total shall be added, up at the foot thereof. Said list shall be completed and delivered to the Board within twenty days, unless the Board shall, by order, grant further time. When the said list shall have been approved by the Board, they shall cause the same to be delivered to the Collector of the town. When the work so ordered shall have been completed and accepted by the Board of Trustees, they shall direct the Collector to proceed and collect the several amounts so assessed. The Collector shall thereupon give notice to parties interested, by two weeks' publication in some newspaper printed in said town, stating that said assessment is due, and requiring the same to be paid within thirty days from the first publication of said notice. Upon the completion of the thirty days he shall declare the assessment unpaid to be delinquent. He shall then proceed, after having given notice as required by law in the collection of State and county taxes upon real property, to collect the various amounts so delinquent, including the percentage aforesaid, the costs of advertising, and such other costs as are allowed by law in the collection of State and county taxes, from the sale of the property, or so much thereof as may be necessary, which sales he is hereby authorized to make. In all things concerning such sales, the execution of certificates and deeds, the said Collector shall be governed by, and as nearly as practicable conform to, the same rules and directions as are contained in the laws now in force, or which may be, from time to time, in the County of Tehama, providing for the sale of real property for the collection of delinquent State and county taxes, the same powers being hereby conferred on said Collector as are or may be given to Tax Collector of said county in cases of sales of real property for the collection of delinquent State and county taxes.

Approval of  
list.

Publication  
of notice of  
assessment  
due.

Collection of  
delinquent  
assessments  
and costs.

Election of  
Trustees.

SEC. 23. Section four of said Act is hereby amended so as to read as follows: Section 4. The election of Trustees shall take place on the first Monday of June of each year. The Trustees shall be elected from and by the qualified electors of said town, and the term of office of each Trustee shall be three years, from and after the second Monday of June succeeding his election, and all persons so elected shall hold office until their successors are elected and qualified. The two Trustees whose terms of office would, under the Act of which this is amendatory, expire on the first Monday of March, eighteen hundred and seventy-eight, are hereby continued in office until the second Monday of June, eighteen hundred and seventy-eight, and their successors shall be elected on the first Monday of June, eighteen hundred and seventy-eight. The two Trustees of said town, whose terms of office would, under said Act, expire on the first Monday of March, eighteen hundred and seventy-nine, are hereby continued in office until the second Monday of June, eighteen hundred and seventy-nine, and their successors shall be elected on



the first Monday of June, eighteen hundred and seventy-nine. The Trustee of said town, whose term of office would, under said Act, expire on the first Monday of March, eighteen hundred and eighty, is hereby continued in office until the second Monday of June, eighteen hundred and eighty, and his successor shall be elected on the first Monday of June, eighteen hundred and eighty. In case any vacancy shall occur in said Board of Trustees, the same shall be filled by a vote of the majority of the remaining members of the Board until the next election for Trustees, when the office shall be filled for the unexpired term in the same manner as were elected the Trustees whose term of office is about to expire. All elections under this Act shall be conducted in accordance with the general election laws of this State.

SEC. 24. This Act shall take effect and be in force from and after its passage.

CHAP. CVIII.—*An Act to legalize the assessment and levy of taxes in the County of Santa Cruz.*

[Approved February 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The assessment and levy of taxes upon all real and personal property in the County of Santa Cruz, for State, county, or other purposes, made for the fiscal year eighteen hundred and seventy-six-seven and eighteen hundred and seventy-seven-eight, and all proceedings had thereon, and the original assessment books, and the duplicate assessment books of such taxes for said fiscal years, and the publication of the notice of sale of property for delinquent taxes for the year eighteen hundred and seventy-seven-eight, given by the Tax Collector of said county, are hereby legalized, confirmed, and rendered valid and binding both in law and equity; and in all actions to recover taxes for said years the said books and all proceedings in the assessment and levy of said taxes, or for the collection of the same, shall have the same force and effect as if originally made or had in full compliance with law, notwithstanding any defects there may be in such assessments, levies, books, notice, or proceedings had for the collection of said taxes.

Assessment  
and levy of  
taxes legal  
ized.

SEC. 2. This Act shall take effect immediately.

CHAP. CIX.—*An Act amending an Act entitled an Act to regulate fees of office and salaries of officers in the County of San Diego, approved March thirty-first, A. D. eighteen hundred and seventy-six, in relation to the County Assessor.*

[Approved March 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Time of  
going into  
effect fixed.

Deputies  
appointed,  
and compen-  
sation.

SECTION 1. It is hereby provided that section seventeen of an Act entitled an Act to regulate fees of office and salaries of officers in the County of San Diego, approved March thirty-first, A. D. eighteen hundred and seventy-six, shall not go into effect until noon of the first Monday in March, A. D. eighteen hundred and eighty, but from and after that day it shall be in full force and effect; *provided, however*, that the Assessor is hereby authorized and empowered to appoint as many deputies as the Board of Supervisors may deem necessary. Said deputies shall receive such compensation, not to exceed five dollars per day, as the Board of Supervisors may allow.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CX.—*An Act to amend an Act entitled an Act fixing the salaries and compensations of certain officers of San Luis Obispo County, approved March thirty-first, eighteen hundred and seventy-six.*

[Approved March 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eight of said Act is hereby amended so as to read as follows: Section 8. This Act shall take effect, as to all officers mentioned herein except the County Judge, on the first Monday of March, eighteen hundred and seventy-eight, and as to the County Judge it shall take effect on the first day of January, eighteen hundred and eighty.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CXI.—*An Act to regulate fees of office and salaries of certain officers in and for the County of Sonoma, and to repeal certain other Acts in relation thereto.*

[Approved March 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SHERIFF.

SECTION 1. In the County of Sonoma, the Sheriff shall be allowed to charge and receive in advance, in gold and silver coin of the United States, the fees hereinafter specified, seventy-five per cent. of which he shall keep for his own use and benefit, and twenty-five per cent. must be paid into the General Fund of the county treasury for county purposes, except commissions received by him on collection of taxes as Tax Collector, and the allowance to a deputy as Jailor; also, the commissions on collection of poll tax, and commissions and fees on sales of business licenses: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar; for serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar and twenty-five cents; for serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, one dollar and twenty-five cents; for his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, as the Court shall order, *provided*, that no more than three dollars per diem shall be allowed to a keeper, three dollars; for taking bond or undertaking in any case in which he is authorized to take the same, forty cents; for copy of any writ, process, or other paper, when demanded or required by law, for each folio, fifteen cents; for serving every notice, rule, or order, forty cents; for advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar; for serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, three dollars; for holding each inquest, or trial of right of property, to include all services in the matter except mileage, three dollars; for serving a subpoena, for each witness summoned, forty cents; for traveling, to be computed in all cases from the Court-house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in executing a writ of habeas corpus—*provided*,

Fees of  
Sheriff.

Fees of  
Sheriff.

that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service—for each mile necessarily traveled, in going only; thirty cents; for commissions for receiving and paying over money on execution or other process, when the lands or personal property has been levied on and sold, on the first one thousand dollars, two per cent.; on all sums above that amount, one per cent.; for commissions for receiving and paying over money on execution without levy, or when the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one-half per cent., and one per cent. on all over that sum. The fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the same therein directed to be made. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, three dollars and fifty cents; for executing a certificate of sale, exclusive of the filing and recording of the same, one dollar; for attending, when required, on any Court (except Justices' Courts), in person or by deputy, for each day, to be paid out of the county treasury three dollars; for making every arrest in a criminal proceeding, one dollar and fifty cents; for summoning a grand jury of twenty-four men, eight dollars; for summoning a trial jury of twelve men, or less, four dollars; for summoning each additional juror, twenty-five cents; for executing every sentence of death, twenty dollars; for all civil services arising in Justices' Courts, the same fees as are allowed in County and District Courts; for every mile necessarily traveled in executing any warrant of arrest, subpoena, or venire, bringing up a prisoner on habeas corpus, taking prisoners before a Magistrate or to prison, or for mileage in any criminal case or proceeding—*provided*, that in serving a subpoena or venire, when two or more jurors or witnesses live in the same direction but one mileage shall be charged—forty cents, in going only; for conveying a prisoner when under arrest, the necessary expense incurred in the transportation; for every business license sold, one dollar, one-half of which must be paid to the County Auditor. The Sheriff shall be allowed a deputy as Jailer, who must be paid the sum of fifty dollars per month out of the County General Fund.

SEC. 2. From all claims and demands against the county for services rendered by said Sheriff for said county, which are made by law a county charge, presented to the Board of Supervisors for allowance, the Board after finding the same correct and fixing the amount thereof must, by order duly entered, deduct twenty-five per cent. from the gross amount thereof, and order a warrant for the residue only (except the allowance to the Jailer).

FEES OF TAX COLLECTOR.

SEC. 3. The Sheriff shall be ex officio Tax Collector of the County of Sonoma, and must receive for his own use and benefit, for the collection of all State and county taxes, (except taxes for school purposes) one per cent. in gold and silver coin on the full amount of said taxes, which shall be compensation in full for all such service. The said Sheriff, under oath, must make a full and complete report of each class and kind of fees collected during the quarter to the Board of Supervisors, at each regular meeting of said Board; said report must include every sum of money received by himself as Sheriff, or by each of his deputies and Under-Sheriff, from all sources, and a willful failure or neglect to make such report is a misdemeanor, punishable by removal from office.

Fees of Tax  
Collector.

COUNTY RECORDER.

SEC. 4. The County Recorder of the County of Sonoma shall be allowed to charge and receive the fees hereinafter specified, seventy-five per cent. of which he may retain and keep for his own use as compensation in full for all services now required of him by law, or that may hereafter be required of him by the Board of Supervisors: For recording every instrument, paper, or notice, twelve cents per folio; for filing every instrument, for recording and making the necessary entries therein, including certificate of record, twenty-five cents; for copies of every record, per folio, twelve cents; for indexing every instrument, paper, or notice, as required by law, for each name, ten cents; for every certificate under seal, forty cents; for every entry of discharge of mortgage or other instrument on margin of record, indexing the same, fifty cents; for searching records and files of each year in his office, when required, twenty-five cents; for abstract or certificate of title, when required, for each conveyance or incumbrance certified, fifty cents; for recording every town plat or map, for every course, six cents; for figures and lettering plats and maps, per folio, twenty-five cents; for topography for every creek, river, road, or chain of mountains represented on the map, fifteen cents, *provided*, the fees for recording any town plat shall not exceed the sum of one hundred dollars; for taking and writing acknowledgments, including seal, for the first signature, fifty cents; for each additional name, twenty-five cents; for recording marriage license and certificate, one dollar; for filing and keeping each paper not required to be recorded, twenty cents; for recording transcript and other services in estray cases, one dollar; for recording brands and marks, fifty cents. It shall be the duty of the County Recorder, under oath, to make a full and complete report to the Board of Supervisors at each of their regular quarterly meetings, containing all fees and sums of money collected by himself or his deputies during the preceding quarter, and a willful neglect or failure to make such report is misdemeanor, punishable by removal from office.

Fees of  
County  
Recorder.

Salary of  
County  
Auditor.

SEC. 5. The County Auditor shall receive a salary of nine hundred dollars per annum (in gold and silver) for all services required of him by law.

SEC. 6. The compensation of County Recorder and County Auditor, and his deputies, from all sources, shall not exceed four thousand six hundred dollars, and all over that sum, arising from fees and allowances collected in his office, shall be paid into the county treasury.

#### COUNTY CLERK.

Duty of  
County  
Clerk.

SEC. 7. The County Clerk, in Sonoma County, shall act as Clerk of the District Court, County Court, Probate Court, Clerk of the Board of Supervisors and Board of Equalization, and shall discharge such other duties as now devolve upon him by law, or may hereafter be required of him by the Board of Supervisors, and shall receive the fees hereinafter specified; and must keep a book in his office showing the full amount and the source of all fees and sums of money collected in his office by himself and his deputies, and must report the same, under oath, at the end of every quarter, to the Board of Supervisors; and a willful neglect or failure to make such report is a misdemeanor, punishable by removal from office.

#### CLERK OF THE DISTRICT COURT.

Fees of Clerk  
of District  
Court.

For entering each suit on the Clerk's Register of Actions and making the necessary entries therein during the trial, fifty cents for the first folio, and for each subsequent folio, twelve cents; for issuing every writ or process, under seal, forty cents, except for the writ of habeas corpus; for issuing each subpoena for one or more witnesses, twenty cents; for filing each paper, ten cents; for entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, twenty cents; for entering every cause on the calendar and making a copy of the same for the bar, for each term of the Court, twenty cents; for calling and swearing every jury, forty cents; for receiving and entering each verdict of a jury, twenty-five cents; for entering every final judgment, for the first folio, fifty cents, for each subsequent folio, twelve cents; for filing judgment roll, twenty-five cents; for each entry of judgment on judgment docket, twenty cents; for each entry of satisfaction of judgments, twenty-five cents; for administering every oath or affirmation, fifteen cents; for copy of any proceeding, record, or paper, for each folio, twelve cents; for every certificate, under seal, forty cents; for issuing every commission to take testimony, forty cents; for writing down testimony of witnesses during the trial, for each folio, fifteen cents, to be paid by the party requiring the same; for issuing every execution or other final process, under seal, forty cents; for issuing every copy of decree, or order of sale of mortgaged property, for each folio, twelve cents; for receiving and filing every remittitur from Supreme Court, and accompanying papers, forty cents; for approval and justification of each bond, required by law, forty cents;

and for taking testimony thereon, fifteen cents per folio; for acknowledgment of deed or other instrument, including all writing and the seal, for the first name thereto, fifty cents, for each additional name, twenty-five cents; for indexing every suit in the District Court in general index as required by law, for each name, fifteen cents; for filing and entering papers on transfer of case from other Courts, indexing included, two dollars; for transmission of files, or transfer of cases to other Courts, including certificate of order of transfer, one dollar and fifty cents; for searching records or files of each year, except for suitors or their attorneys, twenty-five cents; for services under the Act to provide for the reclamation of salt marsh and tide lands, approved April twenty-seventh, eighteen hundred and sixty-three, he shall receive the fees therein prescribed; when the Court is setting as a Court of criminal jurisdiction, the Clerk shall receive, for the trial of each issue, when the charge is felony, three dollars; and for a trial of each issue, when the charge is misdemeanor, two dollars; he shall receive no other fees in a criminal action or proceeding, except twelve cents per folio for copies of papers and for taking down testimony when required.

COUNTY CLERK.

For issuing marriage licenses, one dollar; for drawing an affidavit, deposition, or other paper, per folio, fifteen cents; for filing transcript of judgments of Justices' Court, for docketing the same and issuing execution thereon, two dollars; for recording certificates of incorporation, when recording is required by law, twelve cents per folio; for recording official bonds when required by law, twelve cents per folio; for indexing same, twenty cents; for recording testimony and commitment upon examination of an insane person, when it is ascertained by the County or Probate Judge the person committed has sufficient property wherewith to pay the expenses of his or her commitment, fifteen cents per folio; for all other services, the same fees as are allowed to the Clerk of the District Court for similar services.

Fees of  
County  
Clerk.

CLERKS OF THE PROBATE COURT.

For issuing letters testamentary or of administration, forty cents; for all certificates, under seal, twenty-five cents; for writing and posting notices, for each copy, twenty-five cents; for recording wills and other instruments required by law to be recorded, for each folio, twelve cents; for filing each paper, ten cents; for copies of all papers, twelve cents per folio; for issuing each notice for publication, twenty-five cents; for all other services the same fees as are allowed the Clerk of the District Court for like services.

Fees of  
Clerks of  
Probate  
Court.

CLERK OF THE COUNTY COURT.

For filing all papers sent on appeal from a Justice's Court, in each cause, and making the necessary entries concerning

Fees of  
Clerk of  
County  
Court.

the same, one dollar and fifty cents; for all other services the same fees as are allowed in the District Court for similar services.

CLERK OF THE BOARD OF SUPERVISORS AND BOARD OF EQUALIZATION.

He shall receive such compensation for his services as the Board of Supervisors shall direct, not to exceed three hundred dollars per annum.

Compensation of County Clerk and deputies limited.

SEC. 8. The compensation of the County Clerk and his deputies, from all sources, shall not exceed four thousand six hundred dollars; and all over that sum arising from fees and allowances collected in his office shall be paid into the county treasury.

SEC. 9. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 10. This Act shall be in force from and after the first Monday in March, A. D. eighteen hundred and seventy-eight.

CHAP. CXII.—*An Act relative to Justices' fees, and amendatory of an Act, approved April fourth, eighteen hundred and seventy, entitled an Act to amend an Act entitled an Act to regulate fees of office, approved March fifth, eighteen hundred and seventy.*

[Approved March 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Fees of Justices of the Peace.

SECTION 1. Section one of said Act is hereby amended to read as follows: Section 1. Section twenty-six of said Act is hereby amended so as to read as follows: Section 26. Fees of Justices of the Peace in the several counties of this State: For filing each paper, twenty-five cents; issuing any writ or process by which suit is commenced, fifty cents; for entering every cause upon his docket, fifty cents; for issuing subpoena, twenty-five cents; for administering an oath or affirmation, twenty-five cents; for each certificate, twenty-five cents; for issuing writ of attachment, or of arrest, or for the delivery of property, fifty cents; for entering any final judgment, for the first folio, one dollar, for each additional folio, twenty cents; for taking or approving [any bond] or undertaking directed by law to be taken or approved by him, fifty cents; for taking justification to a bond, fifty cents; for swearing a jury, fifty cents; for taking deposition, per folio, twenty cents; for entering satisfaction of a judgment, fifty cents; for copy of a judgment, order, docket, proceeding, or paper in his office, for each folio, twenty cents; for issuing commission to take testimony, fifty cents; for issuing superseas to an execution, fifty cents; for making up and transmitting transcript and papers on appeal, one dollar



Fees of  
Justices of  
the Peace.

and fifty cents; for issuing search warrants, fifty cents; for issuing an execution, fifty cents; for celebrating marriage and returning certificate thereof to the Recorder, five dollars; for all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars, *provided*, in the County of Los Angeles the fees in a criminal action shall be collected from the defendant, if convicted, but shall in no case become a county charge; for taking bail after commitment in criminal cases, one dollar; for entering cause without process, one dollar; for entering judgment by confession and only on affidavit as required in District Court, three dollars; for entering every motion, rule, exception, order, or default, twenty-five cents; for taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents; for all services connected with the posting of estrays, including the transcript for the Recorder, two dollars. In cases before Justices of the Peace when the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered in the making up and transmission of the transcript and papers, shall receive two dollars, and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him. All fees of Justices of the Peace, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal. For all services appertaining to the Coroner's office which the Coroner is unable to attend to, the Justice of the Peace shall receive the same fees as are allowed the Coroner for similar services; *provided*, that in the County of Los Angeles no Justice of the Peace shall be entitled to receive, in full compensation for all services rendered by him in criminal cases, a sum exceeding three hundred dollars in the aggregate per annum. For transcript of judgment per folio, twenty cents; *provided*, that in the Counties of Amador and Sierra, Justices of the Peace may lawfully charge, demand, and receive the fees allowed by an Act to regulate fees of office, approved April tenth, eighteen hundred and fifty-five; *provided further*, that in the Counties of Alameda, Santa Clara, Santa Cruz, Monterey, and Sutter, each Justice of the Peace shall be allowed, in a civil action before him, the following fees, and no other: For all services required to be performed by him before trial, two dollars, and two dollars additional for each writ of attachment or replevin; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, three dollars, and twenty-five cents for each hour actually occupied by the trial of each cause; and in all cases where judgment is rendered by default, or confession, for all services, including execution and satisfaction of judgment, three dollars; for certificate and papers of appeal, one dollar; for copies of papers or docket, per folio, fifteen cents; for issuing a search warrant, to be paid by the party demanding the same, fifty cents; for celebrating

Fees of  
Justices of  
the Peace.

a marriage, and returning a certificate thereof to the County Recorder, three dollars; for taking depositions, per folio, fifteen cents; for administering an oath, and certifying the same, twenty-five cents; for issuing a commission to take testimony, fifty cents; for taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents; for all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars; for all services connected with the posting of estrays, including the transcript for the Recorder, two dollars. In cases before Justices of the Peace, when the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive two dollars, and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him. All fees of Justices of the Peace, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal. For all services appertaining to the Coroner's office, which the Coroner is unable to attend to, the Justice of the Peace shall receive the same fees as are allowed the Coroner for similar services.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXIII.—*An Act conferring additional powers upon the Board of Supervisors of Alameda County, and ratifying and confirming a resolution of said Board granting certain rights and privileges to the Berkeley Horse Railroad Company.*

[Approved March 2, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Resolution  
ratified.

SECTION 1. The resolution of the Board of Supervisors of Alameda County, granting a franchise to the Berkeley Horse Railroad Company to lay down and maintain their track on the line of street known as Shattuck Avenue, and commencing at University Avenue and terminating at Cordonises Creek, is hereby ratified and confirmed, and the said railroad company shall have the right to use on said line of road such propelling power as the Board of Supervisors of said county shall order and direct; *provided*, such right or franchise, shall not, by the provisions of this Act, be deemed exclusive.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CXIV.—*An Act to provide for the payment of the claim of Harrison Roberts, Luis Ruggio, and C. S. Colvig for services rendered to the State by the capture of Cleodoveo Chavez, one of the associates of the bandit Vasquez.*

[Approved March 2, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The sum of two thousand one hundred and ninety-nine dollars and forty-two cents is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, and the Controller is hereby required to draw his warrant in favor of Harrison Roberts, Luis Ruggio, and C. S. Colvig for said sum, in payment for services rendered by said Roberts, Ruggio, and Colvig, by the capture of Cleodoveo Chavez, an associate of the bandit Vasquez. Appropriation authorized.

SEC. 2. This Act shall take effect immediately.

CHAP. CXV.—*An Act to amend section nine (9) of an Act entitled "An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Merced," (approved March twenty-sixth, eighteen hundred and seventy-four). (See Statutes of 1873-4, pp. 660-62 inclusive.)*

[Approved March 2, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That section nine (9) of an Act entitled "An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Merced," approved March twenty-sixth, eighteen hundred and seventy-four, be so amended as to read as follows: Section Nine (9). The District Attorney shall receive a compensation of one thousand five hundred dollars per annum, which shall be in full of all compensation for all services rendered by him, his deputies, or assistants, as District Attorney. Compensation of District Attorney.

SEC. 2. All Acts or parts of Acts, so far as the same are in conflict with this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force, as to the salary and compensation of the said District Attorney, on and after the first Monday in March, A. D. one thousand eight hundred and seventy-eight.

CHAP. CXVI.—*An Act for the relief of John Rierden, B. H. Kenney, and Patrick Donahue, and W. B. Jourden.*

[Approved March 2, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Persons relieved from liability on a bond.

SECTION 1. That John Rierden, B. H. Kenney, Patrick Donahue, and W. B. Jourden, of the City and County of San Francisco, be and they are hereby released and relieved from all liability on a certain bail bond in the sum of five thousand dollars, payable to the people of the State of California, dated and approved July twenty-third, eighteen hundred and seventy-two, and conditioned for the appearance of one Philip Smith Allis, in whatever Court the charge in said bail bond mentioned should be prosecuted.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CXVII.—*An Act to provide for the payment of certain claims against the County of Santa Cruz.*

[Approved March 2, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Authorizing payment of certain claims.

SECTION 1. The Board of Supervisors of said county are hereby authorized to audit and allow all just claims against said county for the current expenses of said county for the fiscal year one thousand eight hundred and seventy-seven-eight, and the Auditor of said county is hereby authorized to draw warrants on the Treasurer of said county for all such allowances, and the Treasurer of said county is hereby authorized to register said warrants, as other warrants are registered, and to pay the same from the funds of said county for the fiscal year one thousand eight hundred and seventy-eight-nine, in the order of their registration.

SEC. 2. This Act shall take effect immediately.

CHAP. CXVIII.—*An Act to amend an Act entitled an Act repealing article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said article four, approved April first, eighteen hundred and seventy-two.*

[Approved March 2, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section twenty-one of said Act is hereby amended so as to read as follows: Section 21. The said Superintendent of Public Streets, Highways, and Squares shall keep a public office in some convenient place, to be designated by the Board of Supervisors, and his office shall be kept open as in this Act required. He shall not, during his continuance in office, follow any other profession or calling, but shall be required to devote himself exclusively to the duties of his office. He shall be allowed not more than sixteen deputies, to be appointed by him, from time to time; three of said deputies shall receive a salary of two hundred dollars per month each, and six of said deputies shall receive a salary of one hundred and fifty dollars per month each, and seven of said deputies shall receive a salary of one hundred and twenty-five dollars per month each. It shall be lawful for the said deputies to perform all or any of the duties conferred by this Act upon the Superintendent of Public Streets, Highways, and Squares, under the direction of said Superintendent of Public Streets, Highways, and Squares, except the acceptance or approval of work done. The Superintendent of Public Streets, Highways, and Squares, or his deputies, shall superintend and direct the cleaning of all the public streets and the cleaning of all sewers in the public streets; and the expense of the same shall be paid out of the Street Department Fund, in the same manner as provided for the improvement of streets that have been finally accepted, as in this Act provided.

SEC. 2. All parts of Acts inconsistent with the provisions of this Act are hereby repealed. This Act shall take effect and be in force from and after its passage.

Duty of Superintendent of Streets.

Deputies allowed, and salary.

Power of deputies.

CHAP. CXIX.—*An Act to regulate fees of office and salaries of officers in Modoc County.*

[Approved March 2, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Authoriza-  
tion of fees  
and salaries.

SECTION 1. Fees and salaries shall be allowed to the officers of Modoc County hereinafter named, for their services rendered in discharging duties imposed upon them by law, as herein provided, and such officers may lawfully charge, demand, and receive the same, to be applied as hereinafter provided, in gold and silver coin of the United States, and all costs recovered in any suit or proceeding shall be paid in gold and silver coin.

SEC. 2. No fees or other compensation shall be charged or received for certificate of declaration to become a citizen of the United States, and for making a record thereof, or for issuing a certificate of citizenship to become a citizen of the United States, or for making a record thereof.

Fees for  
docketing  
and costs.

SEC. 3. At the commencement of each suit, the Clerk shall be entitled to demand and receive from the plaintiff, in addition to the Judge's docket fee as prescribed by law, not to exceed the sum of ten dollars, to cover costs to the time of judgment, and from defendant, three dollars to cover costs for the same time. If, in the progress of the action, the sums allowed the Clerk should be found insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action shall be returned by the Clerk to the party who advanced them, on demand.

Fees of Clerk  
of District  
Court.

SEC. 4. The Clerk of the District Court shall receive for entering each suit on the Clerk's Register of Actions, and for making the necessary entries therein, during the progress of the suit and of the trial and subsequent proceedings, for each folio, twenty-five cents; for issuing every writ or process, under seal, fifty cents; for issuing each subpoena for one or more witnesses, twenty-five cents; for entering every motion or order, rule, default, dismissal, discontinuance, or non-suit, twenty-five cents; for filing each paper, twenty-five cents; for entering every case on the calendar and making a copy thereof for the bar for each term of the Court, fifty cents; for calling and swearing every jury to try cause, fifty cents; for receiving and entering each verdict of a jury, fifty cents; for entering every final judgment, for the first folio, fifty cents; for each subsequent folio, twenty-five cents; for making up and filing judgment roll, twenty-five cents; for entering judgment on judgment docket, twenty-five cents; for entering satisfaction or credit on judgment docket, fifty cents; for administering every oath or affirmation, and certifying the same, twenty-five cents; for a copy of any proceeding, record, or paper, per folio, twenty cents; for every

certificate under seal, fifty cents; for issuing every commission to take testimony, fifty cents; for writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), twenty cents; for issuing every execution or other final process, under seal, fifty cents. He shall receive no other fees in a criminal action or proceeding, except twenty cents per folio for writing down testimony of witnesses on trial, when so ordered by the Court; all of which criminal business shall be a charge against the county. For copy of every decree or order of sale of mortgaged property, for each folio, twenty cents; for receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents; for taking and approving each undertaking or bond, and for taking justification thereto, fifty cents; for taking testimony on justification to undertaking or bond, for each folio, twenty cents; for taking acknowledgment of deed or other instrument, to include all writing and the seal for the first name thereto, fifty cents; for each additional name, twenty-five cents; for indexing each suit in general index of the Court, as required by law, fifty cents; for filing and entering papers on transfer of cases from other Courts, including indexing, two dollars; for transmission of files or transfer of cases to other Courts, including certificate of order of transfer, one dollar and fifty cents; for searching records or files of each year, except for suitors or their attorneys, fifty cents; when the Court is sitting as a Court of criminal jurisdiction, the Clerk shall receive for the trial of each issue five dollars.

#### FEES OF CLERK OF COUNTY COURT.

For filing all papers on appeal from Justices' Courts, for each case, one dollar and fifty cents. When the Court is sitting as a Court of criminal jurisdiction, he shall receive for the trial of each issue, where the charge is misdemeanor, three dollars, and where the charge is felony, five dollars. He shall receive no other fees in a criminal case, except for copies of papers, per folio, twenty cents, and for taking down testimony during a trial when ordered by the Court, for each folio, twenty cents; all of which criminal business shall be a charge upon and paid for by the county. For all other services he shall receive the same fees as are allowed the Clerk of the District Court for like services.

#### FEES OF THE CLERK OF PROBATE COURT.

For issuing letters testamentary, or of administration, or of guardianship, fifty cents; for writing and posting each notice required, twenty-five cents; for each notice of publication, in addition to the cost of publication, twenty-five cents; for recording wills, or other papers required by law to be recorded, for each folio, twenty cents; for all other services, the same fees as are allowed the Clerk of the District Court for like service. No fees shall be allowed the Probate Judge.

## FEES OF COUNTY CLERK.

Fees of  
County  
Clerk.

For issuing each marriage license, one-half to be paid to the County Recorder, two dollars; for recording official bonds and other papers required by law to be recorded, for each folio, twenty cents; for indexing same, twenty-five cents; for recording the testimony and commitment upon examination of insane person, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, per folio, twenty cents; for filing and indexing all papers to be kept by him and not required to be recorded, twenty-five cents; for issuing any license required by law, one dollar; for all services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services; for services under the Registry Act, the fees in said Act provided.

## FEES OF COUNTY RECORDER.

Fees of  
County  
Recorder.

For recording every instrument, paper, or notice, for each folio, twenty cents; for indexing every instrument, paper, or notice, twenty-five cents; for copies of any record or paper, per folio, twenty cents; for filing every instrument for record, and making the necessary entries therein, twenty-five cents; for each certificate under seal, fifty cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing and indexing same, fifty cents; for searching records or files in his office, for each year, when required, fifty cents; for abstract of title, for each conveyance or incumbrance certified, fifty cents; for recording every plat or map, for each course, ten cents; for figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars; for taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents; for recording marriages, licenses, and certificates, to be paid by the Clerk, one dollar; for recording transcript, and for all other services in estray cases, one dollar; for recording each mark or brand, seventy-five cents; for administering oath or affirmation, twenty-five cents; for certifying same, twenty-five cents; for filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents; for all other services, not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

## SALARY OF COUNTY CLERK.

Salary of  
County  
Clerk.

SEC. 5. The County Clerk, to include all services rendered as ex officio Recorder, Auditor, Clerk of the Board of Supervisors, Equalization, and Canvassers, and to include the pay of deputies and clerks' hire, shall receive the fees, commissions, percentages, and salaries provided in this Act,



to the amount of three thousand dollars per annum; *provided*, that if in any year said fees, commissions, percentages, and salaries allowed by this Act to said County Clerk as ex officio Recorder, Auditor, Clerk of the Boards of Supervisors, Equalization, and Canvassers, shall exceed three thousand dollars, said Clerk shall pay the surplus over three thousand dollars to the County Treasurer, for the use of the County General Fund.

FEES OF THE SHERIFF.

SEC. 6. In the County of Modoc the Sheriff shall receive the fees hereinafter enumerated: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar; for serving an attachment on property, or levying an execution, or executing any order of arrest or order for the delivery of personal property, two dollars; for serving an attachment upon any ship, boat, or vessel, in proceeding to enforce any lien therein created by law, three dollars; for his trouble and expense in taking and keeping possession of land and preserving property under attachments or executions, or other process, such sum as the Court shall order, *provided*, that not more than three dollars per diem shall be allowed to a keeper; for taking bond or undertaking, in any case in which he is authorized to take the same, one dollar; for copying any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents; for serving every rule, notice, or order, one dollar; for advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar; for serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, three dollars; for holding each inquest or trial of right of property, to include all services in the matter except mileage, three dollars; for serving a subpoena, for each witness summoned, fifty cents; for traveling, the distance to be computed in all cases from the Court-house, to serve any summons and complaint, or other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property to levy an execution, to post notices of sale to sell property under execution, or order of sale to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in executing a writ of habeas corpus, *provided*, that if any two or more papers be required to be served in the same suit at the same time and in the same direction, one mileage only shall be charged to the most distant points to complete such service, for each mile necessarily traveled in going only, forty cents; for commissions for receiving and paying over money on execution or other process, when lands or personal property have been levied on and sold, on the first one thousand dollars, two per cent.; on all sums above that amount, one and one-half per cent.; for commissions for receiving and paying over money

Fees of  
Sheriff.

on execution without levy, or where the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one-half per cent., and one per cent. on all over that sum. Fees herein allowed for the levy of an execution, costs of advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution in the same manner as the sum herein directed to be made. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, three dollars; for executing a certificate of sale, exclusive of the filing and recording of the same, one dollar; for attending, when required, on any Court of record, in person or by deputy, for each day, to be paid out of the county treasury, four dollars; for making every arrest in a criminal proceeding, four dollars; for summoning a grand jury of twenty-four persons, eight dollars; for summoning a trial jury of twelve persons or less, four dollars; for every additional name, twenty-five cents; for executing every sentence of death, fifty dollars; for boarding prisoners, per day, one dollar and twenty-five cents each; for guarding prisoners, for each man on guard, a per diem of three dollars; when by night, the same; for all civil services arising in Justices' Courts, the same fees as are allowed to Constables for like services; for every mile necessarily traveled, going and coming, in executing any writ in any criminal case, twenty cents; for conveying a prisoner, when under arrest, the necessary expenses incurred in transportation.

Bond of  
Sheriff.

SEC. 7. The Sheriff shall be ex officio Tax Collector of property taxes and business licenses. The Sheriff, as ex officio Tax Collector of the taxes herein specified, shall execute a bond in the same amount and conditioned the same as required by law for County Tax Collector, said bond to be in addition to the bond he is required to execute as Sheriff.

Compensation  
of  
Sheriff and  
deputies.

SEC. 8. The Sheriff shall receive, to include the pay of deputies and Jailer, the fees, commission, and percentage provided in this Act for his services as Sheriff, and the percentage herein allowed for the collection of property taxes and business licenses, to the amount in the aggregate of thirty-eight hundred dollars per annum, which shall be in full compensation for all services rendered by him, or his deputies, or his assistants, as Sheriff and ex officio Tax Collector, and any excess over thirty-eight hundred dollars which he may receive in any one year from said fees, commissions, and percentage allowed him by this Act to collect for his services as Sheriff, and the percentage allowed him as ex officio Tax Collector for collecting property taxes and business licenses, he shall pay over to the County Treasurer for the use and benefit of the County General Fund.

#### FEEs OF TAX COLLECTOR.

Fees of  
Tax Col-  
lector.

SEC. 9. The Tax Collector of Modoc County shall receive fifteen per cent. of the amount collected on State poll tax receipts, and for the collection of State and county taxes, except

taxes for school purposes, he shall receive six per cent. on the first ten thousand dollars collected, four per cent. on all sums over ten thousand dollars and under twenty thousand dollars, and two per cent. on all sums over twenty thousand dollars. The said Tax Collector shall also receive one dollar for each business license sold, one-fourth of which shall be paid to the County Auditor. No percentage shall be allowed for the collection of taxes for school purposes. There shall be allowed by the State to the county ten per cent. on all moneys payable into the State treasury derived from the sale of business licenses, in full for all expense which may be incurred for collecting such licenses.

CLERK OF BOARD OF SUPERVISORS.

SEC. 10. In the County of Modoc the Clerk of the Board of Supervisors, Board of Equalization, and Board of Canners, shall receive a salary of one hundred and fifty dollars per annum, payable quarterly out of the County General Fund. In addition to the above salary, said Clerk shall be allowed by the State to the county ten per cent. on all moneys payable into the State treasury derived from the sale of business licenses, in full for all expense which may be incurred for collecting such licenses. Salary of Clerk of Board of Supervisors.

SEC. 11. There shall be allowed by the State to the County of Modoc, in lieu of allowance for salaries and fees authorized by law to be made by the State to the Assessors and Auditors of the several counties, and for all services for copying assessment rolls and extending the totals of taxes thereof, the following amounts or percentage on the amount of State revenue derived from taxes on real and personal property and paid into the State treasury during any fiscal year: For Auditor's compensation: On the first ten thousand dollars, two per cent.; on all sums over ten thousand dollars and less than twenty thousand dollars, one and one-half per cent.; on all sums over twenty thousand dollars and less than fifty thousand dollars, one per cent.; on all sums over fifty thousand dollars, one-fourth of one per cent. For Assessor's compensation: On the first ten thousand dollars, four per cent.; on all sums over ten thousand dollars and less than twenty thousand dollars, three per cent.; on all sums over twenty thousand dollars and less than thirty thousand dollars, two per cent.; on all sums over thirty thousand dollars and less than fifty thousand dollars, one and one-half per cent.; on all sums over fifty thousand dollars, one per cent. The Controller of State is hereby authorized and required to make the allowances as herein specified, at any settlement of the County Treasurer with the State; and *provided*, the said Controller shall withhold the allowance for services as Auditor until said Auditor shall have made such reports to said Controller as he is by law required to make. Allowance of State to county.

SEC. 12. The County Auditor shall receive, as full compensation for all services required to be performed by him by law as County Auditor, the following amounts or percentage on all moneys which shall be paid into the treasury Compensation of County Auditor.

during any fiscal year: On the first twenty thousand dollars; two per cent.; on all sums over twenty thousand dollars and less than forty thousand dollars, one and one-half per cent.; on all sums over forty thousand dollars and less than sixty thousand dollars, one per cent.; on all sums over sixty thousand dollars, one-half of one per cent.; *provided*, that he shall not receive any percentage on moneys paid into the county treasury for school purposes. The compensation of the County Auditor shall be allowed by the Board of Supervisors quarterly, and the County Treasurer is hereby authorized to apply the amounts allowed by the State for Auditors' compensation to the payment of such allowances.

#### COUNTY TREASURER.

Salary of  
County  
Treasurer.

SEC. 13. In the County of Modoc, the County Treasurer shall receive a salary of six hundred dollars per annum, which shall be in full compensation for all services required of him by law; *provided*, that he shall be allowed to retain for his own use and benefit the mileage allowed by law to the County Treasurers for traveling to and from the seat of government, to make their quarterly or semi-annual statements with the Controller and Treasurer of State.

#### COUNTY ASSESSOR.

Salary of  
County  
Assessor.

SEC. 14. In the County of Modoc, the County Assessor shall receive a salary of seven hundred and fifty dollars per annum, which shall be in full compensation for all services required of him by law; *provided*, he shall be ex officio Collector of State poll taxes and hospital taxes, and shall be allowed as compensation for his services in collecting said taxes, in addition to the salary above provided, the per cent. allowed by law for collecting the same. He shall also be ex officio Collector of taxes on movable personal property belonging to any person, firm, corporation, association, or company, that does not own real estate in the county, all State poll taxes, all hospital poll taxes, and all poll taxes whatever, except road poll taxes, and he shall receive, as his compensation for collecting said taxes, in addition to the salary allowed him as Assessor, the percentage allowed by law for collecting the same; *provided*, that the Sheriff shall not be ex officio Collector of taxes on movable personal property belonging to any firm, corporation, association, or company, that does not own real estate in the county. The County Treasurer is hereby authorized and directed to apply the amounts allowed by the State for Assessors' compensation.

Bond.

SEC. 15. The Board of Supervisors are hereby empowered to require of the County Assessor, as ex officio Collector of taxes above specified, a bond in such sum as they shall deem necessary, conditioned for the faithful performance of his duty as ex officio Collector of said taxes herein specified; said bond to be in addition to the bond he is required to give as Assessor.

DISTRICT ATTORNEY.

SEC. 16. In the County of Modoc, the District Attorney shall receive for his services, to be paid quarterly out of the County General Fund, a salary of five hundred dollars per annum. In addition to the salary herein provided for, said District Attorney shall be entitled to charge and receive ten per cent. on all forfeited bonds and recognizances collected by him; for services rendered by him in the collection of delinquent taxes, ten per cent. on the amount recovered, to be added thereto, if paid before judgment, and if not so paid, then fifteen per cent., to be added to and constitute a part of the judgment, *provided*, that in no case shall the State or county be liable for such per cent.; for all amounts collected by him for the State or county, other than delinquent taxes, bonds, or recognizances, eight per cent. on the amount collected, *provided*, that the compensation in any one case shall not exceed five hundred dollars; for every conviction had under the Act to prohibit gaming, and the Act to prohibit lotteries, raffles, gift enterprises, and other schemes, to be collected from the party or parties offending or convicted, fifty dollars; for each conviction of felony where the penalty is death, fifty dollars; for every other conviction of felony, except as herein provided for, twenty-five dollars; and for each conviction in case of misdemeanor, fifteen dollars. In all convictions the fees herein allowed shall be assessed against the defendant, and shall not become a county charge; *provided*, however, said fee shall become a charge on the County General Fund in case of the inability of the defendant to pay the same. Should the fees, commissions, and percentage received in any one year by the District Attorney, added to his salary herein provided for, exceed the sum of fifteen hundred dollars, the excess over fifteen hundred dollars shall be paid by him into the county treasury, and shall constitute a part of the County General Fund. Said District Attorney shall be required to keep a fee book, in which he shall enter the moneys received by him from all sources whatever, giving date and the nature of the service performed, the party for whom done, and the amount, and shall make quarterly reports to the Board of Supervisors.

Salary of  
District  
Attorney.

Fee book.

SUPERINTENDENT OF PUBLIC SCHOOLS.

SEC. 17. The Superintendent of Public Schools of Modoc County shall be allowed for his services five hundred dollars per annum, and he shall be allowed, in addition to his salary, for postage and expressage, a sum equal to one dollar for each school district in the county. Said compensation and allowance for postage and expressage to be paid out of the County General Fund.

Compensation of  
Superintendent of Public  
Schools.

FEES OF PUBLIC ADMINISTRATOR.

SEC. 18. In the County of Modoc, the Public Adminis-

Fees of  
Public Ad-  
ministrators.

trator shall be entitled to receive for his services four per cent. upon the value of the estates administered by him, which per cent. shall be in full compensation for his services.

#### FEES OF CONSTABLES.

Fees of  
Constables.

SEC. 19. For serving summons in civil cases, for each defendant, fifty cents; for summoning any jury before a Justice of the Peace, including mileage, two dollars; for making sales of estrays, the same fees as for sales on execution; for all other services, the same fees as are allowed the Sheriffs for similar services. For services performed by the several officers under the Act concerning water-craft found adrift, and lost money and property, passed April fifth, eighteen hundred and fifty, they shall receive the fees designated in said Act.

#### FEES OF COUNTY CORONER.

Fees of  
County  
Coroner.

SEC. 20. The Coroner of the County of Modoc shall receive for his services the following fees: For general services in holding an inquest, ten dollars; for each witness subpoenaed, fifty cents; for each mile necessarily traveled in going to place of inquest, thirty cents; for directing or attending the interment of each body upon which an inquest has been held, two dollars. Said fees to be in full compensation for his services.

#### FEES OF COUNTY SURVEYOR.

Fees of  
County  
Surveyor.

SEC. 21. In the County of Modoc, the County Surveyor shall receive the following fees: For the first mile actually run with compass and chain, in wood, or brush, or salt marsh and tide lands, four dollars; for each additional mile, two dollars; for each mile run with compass alone, in wood, or brush, or salt marsh and tide lands, one dollar and fifty cents; for the first mile actually run with compass and chain in open land, three dollars; for each additional mile, one dollar and fifty cents; for each mile run with compass alone in open land, one dollar; for each lot laid out and platted in any city or town, two dollars; for recording a survey, seventy-five cents; for calculating the quantity of each tract of land, or any subdivision thereof (town lots excepted), ten cents for each course; for traveling to the place of survey, for each mile in going only, thirty cents, and if he shall be required, and duly notified to make other surveys, while in the field in the discharge of his official duty, he shall be entitled to mileage only from the most distant place surveyed by him; for ascertaining the location of each town lot in any old survey, measuring and marking the same, one dollar; for copies and certificates, per folio, twenty cents; for erecting a monument at the corner of any survey when required, one dollar; for erecting a monument when running a line at a variation or offset, when required, fifty cents; for copy of plat of any survey, and certificate required by any person or to be transmitted to the Surveyor-

General, one dollar, and one-half to be paid by the party requiring the survey. Expenses of assistants shall be an additional charge, to be agreed upon between the parties, or in cases of surveys ordered by the Court, or Board of Supervisors, such compensation as shall be by them allowed.

FEEs OF JUSTICES OF THE PEACE.

SEC. 22. In the County of Modoc, Justices of the Peace shall receive fees as follows: For filing each paper, twenty-five cents; for issuing any writ or process by which suit is commenced, fifty cents; for entering each cause on his docket, fifty cents; for issuing subpoena, twenty-five cents; for administering an oath or affirmation, twenty-five cents; for each certificate, twenty-five cents; for issuing writ of attachment, or of arrest, or for the delivery of property, fifty cents; for entering any final judgment, for the first folio, one dollar; for each additional folio, twenty cents; for taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents; for taking justification to a bond, fifty cents; for swearing a jury, fifty cents; for taking depositions, per folio, twenty cents; for entering a satisfaction of judgment, fifty cents; for copy of a judgment, order, docket, proceedings, or paper in his office, for each folio, twenty cents; for issuing commission to take testimony, fifty cents; for issuing supersedeas to an execution, fifty cents; for making up and transmitting transcript and papers on appeal, one dollar and fifty cents; for issuing search warrants, fifty cents; for issuing an execution, fifty cents; for celebrating marriage and returning certificate thereof to the Recorder, five dollars; for all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars; for taking bail after commitment in criminal cases, one dollar; for entering cause without process, one dollar; for entering judgment by confession and only on affidavits, as required in District Courts, three dollars; for entering every motion, rule, exception, order, or default, twenty-five cents; for transcript of judgment, per folio, twenty cents; for taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents; for all services connected with the posting of estrays, including the transcript for the Recorder, two dollars. In cases before Justices of the Peace when the venue shall be changed, the Justice before whom the action shall be brought for all services rendered, including the making up and transmission of the transcript and papers, shall receive two dollars, and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him. All fees of Justices of the Peace, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal. For all services appertaining to the Coroner's office, which the Coroner is unable to attend to, the Justices of the Peace shall receive the same fees as are allowed the Coroner for similar services.

## SALARY OF SUPERVISORS.

Salary of  
Supervisors.

SEC. 23. In the County of Modoc, members of the Board of Supervisors shall receive a per diem of four dollars for every day in attendance upon said Board of Supervisors, Equalization, and Canvassers, and in addition thereto, twenty cents per mile in going to and from the county seat for the actual distance traveled; *provided*, that only one mileage shall be charged for any one term of said Board; *and it is further provided*, that said salary and mileage shall be paid quarterly out of the County General Fund.

## FEES OF JURORS.

Fees of  
jurors.

SEC. 24. In the County of Modoc, grand and trial jurors shall receive three dollars per day for attendance upon a Court of record, and thirty cents per mile for traveling from their residence to the place of trial. No juror who shall be excused from attendance upon his own motion upon the first day of his appearance in obedience to the venire shall receive per diem, but mileage only. In civil cases the party in whose favor the verdict is rendered, before the same shall be entered, shall pay the jury fees, but the same may be recovered as costs from the party losing the case; *provided*, that Clerks of Courts of record shall keep an account of all moneys received for trials by each juror during the term, and if the sum so received by such juror shall not amount to three dollars per day and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is still entitled to receive pay, which shall be paid out of the County General Fund as other county dues are paid. If in any trial in a civil case the jury be for any cause discharged without finding verdict, the fees of the jury shall be paid by the party who demanded the jury, but may be recovered as costs if he afterwards obtains judgment, and until they are paid no further proceedings shall be allowed in the action. Jurors in a Justice's Court, in civil cases, shall receive three dollars per day, but no mileage, to be taxed against the parties losing the suit.

## FEES OF COURT COMMISSIONERS.

Fees of  
Court Com-  
missioners.

SEC. 25. In the County of Modoc, Court Commissioners shall be entitled to charge and receive for their services the following fees: For hearing and determining every ex parte motion for any order or writ, three dollars; for hearing and determining such contested motions, or issues of law or facts as may be referred to them, or for taking proof upon or determining any matter of fact upon which information may be required by the Court, five dollars; for every day spent in the business of the reference in such cases for examining into the qualification of sureties on bonds or undertakings when an exception has been taken to their sufficiency, five dollars; for taking and certifying every affidavit, and for the



approval of every bond or undertaking, fifty cents; for taking and certifying depositions, twenty-five cents per folio; for every delinquent tax case referred to the Commissioner for all services performed by him, three dollars. Said fees to be paid by the party by whom or at whose instance the matter may be brought before said Commissioner, or if referred by the Court without motion from either party, or if by consent thereby the plaintiff, and the fees so fixed to be taxed, with the costs, against the losing party. Such Court Commissioner shall have the right to demand his fees as aforesaid at the time the services are performed, and may retain any and all papers in cases where such fees have not been paid until the same are paid.

COUNTY JUDGE.

SEC. 26. In the County of Modoc, the County Judge shall receive a salary of one thousand dollars per annum.

WITNESS FEES.

SEC. 27. In the County of Modoc, witnesses shall receive fees as follows: For attending in any civil suit or proceeding before any Court of record, referee, commissioner, or Justice of the Peace, for each day, three dollars; for traveling to the place of trial, for each mile, thirty cents. In case of impeachment and contested elections, for traveling to the place of trial, thirty cents per mile. No person shall be compelled to attend or testify in a civil action unless his fees shall have been tendered, or he shall not have demanded the same. No fees shall be allowed any witness in a criminal action or proceeding unless he shall attend before a Grand Jury or a Court of record as a witness on behalf of the people, upon a subpoena or by virtue of a recognizance; and if it shall appear that he has come from any place out of the county, or that he is poor, the Court, if the attendance of the witness be upon a trial, by an order upon its minutes, or in any other case the County Judge, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order for his expenses; and no person who resides without the county shall be obliged, in a civil action or proceeding, to attend as a witness in said county unless the distance be less than thirty miles from his place of residence to the place of trial.

FEES OF CLERKS AND JUDGES OF ELECTIONS.

SEC. 28. Judges and Clerks of Election shall be allowed three dollars per day each, for the time they are necessarily employed in the discharge of the duties imposed upon them; *provided*, that Judges of Elections shall not be allowed for more than five days' service in any one year; *provided*, that the Board of Supervisors shall allow Clerks of Elections for as many days' service as it shall appear they were actually employed in discharging the duties imposed by law on them.

## FEES OF INTERPRETERS AND TRANSLATORS.

**Interpreters.** SEC. 29. Interpreters and translators shall receive such compensation for their services as the Court shall allow, to be taxed and collected as other costs, but the same shall not exceed four dollars per day.

**Officers shall not receive other compensation.** SEC. 30. The officers above named shall receive no other fees for any services performed by them in any action or proceeding, or for the performance of any service for which fees are allowed; and in case of any violation of the provisions of this Act, the party demanding or receiving any fees not herein allowed shall be liable to refund the same to the party aggrieved, with treble the amount, as damages, besides costs of suit, and may be indicted, and if found guilty shall be fined in a sum not exceeding five hundred dollars, and be removed from office.

**Fees payable at time of service.** SEC. 31. The fees herein allowed shall be payable at the time the service is rendered, and any officer, when it is not otherwise expressly provided by law, may refuse to perform any service in any suit or proceeding in which there are any fees due (criminal proceedings excepted) from the person applying, until such fees are paid; *provided*, that if any person shall make an affidavit before the County Judge, setting forth that he has a good cause of action or defense, and that he is unable to pay the fees in advance, the County Judge may, in his discretion, make an order that his officer performed such services without any pay in advance, or may require such person to give security for the costs, and then require such officer to perform such service, and it shall be the duty of such officer to obey the order of the County Judge.

**Table of fees.** SEC. 32. Every officer herein specified shall prepare and set up in his office a plain table of his fees, as prescribed in this Act, within two months of the time when the same goes into effect, in some conspicuous place, for the inspection of all persons, upon pain of forfeiting for each day a sum not exceeding twenty dollars, which may be recovered, with costs, by any person before any Justice of the Peace of the same county.

SEC. 33. When, by law, any publication is required to be made by an officer, of any suit, process, notice, order, or other paper, the costs of the same shall be first tendered by the party, if demanded, for whom such order of publication was granted. before the officer shall be compelled to make such publication.

**Execution for fees due.** SEC. 34. If any Clerk, Sheriff, Justice of the Peace, or Constable shall not have received any fees due to him for services rendered in any suit or proceeding, he may have execution therefor in his own name against the party by whom they are due; to be issued from the Court in which the action is pending.

**"Folio" defined.** SEC. 35. The term "folio," when used as a measure for computing fees, shall be construed to mean one hundred words, counting every figure necessarily used as a word.

Any portion of a folio, when in the whole draft or paper there shall not be a complete folio, and when there shall be an excess over the last folio exceeding one-half, shall be computed as a folio.

SEC. 36. When any Sheriff, Constable, or Coroner serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the more distant service. Mileage.

SEC. 37. Every officer, upon receiving any fees for official duty or service, may be required by the person paying the same to make out in writing and deliver to such person a particular account of such fees, specifying for what they respectively accrued, and shall receipt the same, and if he refuses or neglects to do so when required, he shall be liable to the party paying the same for three times the amount paid. Receipt of fees.

SEC. 38. No fees shall be charged by any officer for administering and certifying the oath of office.

SEC. 39. The Attorney-General or any District Attorney is authorized to cause subpoenas to be issued, and compel the attendance of witnesses on behalf of the State, without paying or tendering fees in advance to either officers or witnesses, and any witness refusing or failing to attend, after being served with a subpoena, may be proceeded against and shall be liable in the same manner as provided by law in other cases where fees have been tendered or paid. Issuance of subpoenas.

SEC. 40. The Clerk of any Court, before which any witness shall have attended on behalf of the State, in any civil action, shall give to such witness a certificate, under seal, of travel and attendance, which shall entitle him to receive the same from the State treasury on the Controller's warrant. Certificate of witness.

SEC. 41. The provisions of the two preceding sections of this Act shall extend to all actions and proceedings brought in the name of the Attorney-General or any other person or persons for the benefit of the State.

SEC. 42. It shall be the duty of all officers in this Act named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case any officer at the close of his term shall leave to his successor official labor to be performed, for which he has received compensation on which it was his duty to perform, he shall be liable to pay to his successor the full value of such services, which may be recovered in any Court of competent jurisdiction. Officers to complete business of office.

SEC. 43. None of the officers mentioned in this Act shall receive any other compensation whatever for any services that now are and may be hereafter required of them in the discharge of their respective offices.

SEC. 44. It shall be the duty of every officer in this Act named, authorized to receive any fees for official services of himself or deputy, to keep a fee book, said fee book to be one of the county records, in which he shall enter an exact and full account in detail of all fees, commissions, or compensations, of whatever nature or kind by him or his deputies earned, collected, or chargeable, with the date, the name of Officers to keep a fee book.

Shall file  
statement  
of fees.

the payer, if paid, and the nature of the services in each case. In the first week of January and July, respectively, in every year, he shall file in the office of the Clerk of the Board of Supervisors a sworn statement, in writing, of the amount of fees earned, collected, or chargeable by him or his deputies for official services during the six calendar months ending on the last day of the previous month. If any person shall hold more than one office, he may keep a separate fee book for each office, and may make separate statements for each, or he may keep a joint fee book, and make joint statements, at his discretion. The Clerks of the Boards of Supervisors of the several counties of this State are hereby required, respectively, to make an abstract of the amount of fees returned to him as having been earned, collected, or chargeable, by the respective officers named in this Act, and shall forward the same, duly sworn and certified to, to the Secretary of State, in the month of January of every year, to be by him filed in his office.

Penalty for  
refusal to  
keep fee  
book.

SEC. 45. If any officer named in this Act shall refuse or willfully neglect to keep a fee book, or to file a sworn statement, or to make returns to the Secretary of State, as herein required, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding five hundred dollars, and by a sentence of removal from office, if in office at the time of sentence; and on failure of any officer herein required to make returns to the office of Secretary of State, he shall, within thirty days thereafter, give information thereof to the District Attorney of the proper county, who shall, without delay, proceed to enforce the provisions of this Act.

SEC. 46. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they apply to the County of Modoc.

SEC. 47. This Act shall be in force from and after its passage.

#### CHAP. CXX.—*An Act to regulate the terms of the County Court of San Joaquin County.*

[Approved March 2, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Terms of  
County  
Court.

SECTION 1. The regular terms of the County Court, in and for the County of San Joaquin, shall be held on the first Monday in January, April, July, and October.

SEC. 2. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CXXI.—*An Act prescribing the duties and fixing the salaries of the Board of Supervisors of the County of Santa Cruz.*

[Approved March 2, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Supervisors of each Supervisor District shall have the general supervision of the public roads in his Supervisor District, and shall view all work performed and all materials furnished for the public roads. Said Board shall appoint in each Supervisor District a Roadmaster and such Assistant Roadmasters as may be necessary, who shall hold their offices from the time of appointment until the close of the fiscal year in which they were appointed; *provided*, the said Board may remove from office any Roadmaster or Assistant Roadmaster at any time. Each Roadmaster and Assistant Roadmaster shall be a resident citizen and taxpayer for the district for which he is appointed. It shall be the duty of the Clerk of the Board of Supervisors to notify the persons so appointed of their appointment, and each of them shall within ten days thereafter qualify by taking the oath of office and by filing a bond with the County Clerk of said county, in the penal sum of one thousand dollars, in the form prescribed by the Political Code, and conditioned for the faithful performance of the duties of such office.

Powers of Supervisors.

Roadmaster appointed.

Duty of Clerk of Board.

SEC. 2. The powers and duties of said Board of Supervisors, so far as the same relate to the public and private roads of said county, and the powers, duties, and compensation of Roadmasters and Assistant Roadmasters, shall be those fixed and prescribed by an Act entitled an Act to establish and maintain public and private roads in the County of Santa Cruz, approved March thirty-first, eighteen hundred and seventy-six. Each member of said Board of Supervisors shall receive as a full compensation for all services now required, or which may be hereafter required of him by law, an annual salary of four hundred dollars.

Powers and duties of Board fixed, by what.

SEC. 3. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 4. This Act shall take effect immediately.

CHAP. CXXII.—*An Act to provide for the election of a County Auditor in the County of Solano, and to repeal an Act entitled "An Act making the County Recorder of Solano County ex officio Auditor of said county, and fixing his salary," approved January twenty-eighth, eighteen hundred and seventy-six.*

[Approved March 2, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

- |                             |  |
|-----------------------------|--|
| Election of Auditor.        | SECTION 1. At the election held on the fifth day of November, A. D. eighteen hundred and seventy-eight, for the election Representatives to the Congress of the United States, and every general election thereafter, there shall be elected an Auditor for the County of Solano, who shall have such powers and perform such duties as are prescribed by law for Auditors, and shall receive a salary of fifteen hundred dollars per annum, payable at the time and in the same manner of the salaries of other county officers of said county.   |
| Salary.                     |  |
| Present incumbent.          | SEC. 2. Thomas P. Hooper, whose term of office expires on the first Monday of March, eighteen hundred and seventy-eight, shall continue in office and exercise the duties thereof until the first regular meeting of the Board of Supervisors of the said county, and until his successor is appointed and qualified. And the said Board of Supervisors, at the first regular meeting thereof after the passage of this Act, shall appoint some suitable person to the office of Auditor of said county, who shall immediately after his appointment qualify and enter upon the duties of said office, and continue therein until his successor is elected and qualified, as prescribed in this Act. |
| Board to appoint successor. |  |
| Term of office.             | SEC. 3. The Auditor elected at said Congressional election shall go into office on the first Monday of the month succeeding his election, and hold office until the first Monday in March, A. D. eighteen hundred and eighty, or until his successor is elected and qualified. The Auditors elected at said general elections shall qualify, and their terms shall commence and continue as are now prescribed by law for other county officers of said county except Assessor.  |
|                             | SEC. 4. An Act entitled "An Act making the County Recorder of Solano County ex officio Auditor of said county, and fixing his compensation," approved January twenty-eighth, eighteen hundred and seventy-six, is hereby repealed.   |
|                             | SEC. 5. This Act shall take effect from and after its passage.   |

CHAP. CXXIII.—*An Act fixing the salary of the County Treasurer of the County of Inyo.*

[Approved March 2, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. From and after the first Monday of March, one thousand eight hundred and seventy-eight, the County Treasurer of the County of Inyo shall receive an annual salary of one thousand five hundred dollars. Salary of Treasurer.

SEC. 2. The salary herein named shall be paid in gold coin, and at the times otherwise provided by law.

SEC. 3. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CXXIV.—*An Act making an appropriation to pay the expenses of Presidential Electors.*

[Approved March 2, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. In addition to the sum of money already appropriated for the purpose of paying the expenses of the Presidential Electors for eighteen hundred and seventy-six, the sum of thirty-five dollars and twenty cents is hereby appropriated out of the General Fund in the State treasury for such purpose. Appropriation.

SEC. 2. This Act takes effect immediately.

CHAP. CXXV.—[See volume of *Amendments to the Codes.*]

CHAP. CXXVI.—*An Act in relation to Road Overseers and road poll taxes in the County of Yuba.*

[Approved March 2, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Board of Supervisors of the County of Yuba shall appoint Overseers of the road districts in said Appointment of Overseers.

county, and said Overseers shall hold office for two years, or until their successors are appointed and qualified; but said Board of Supervisors shall have power to remove any Overseer for cause. Said Overseers shall perform the duties now required by law.

Road poll  
tax.

SEC. 2. Every male inhabitant of a road district in said County of Yuba, over twenty-one and under fifty years of age, must perform two days' labor annually, to be known as the road poll tax, upon the roads and highways of the district, under the demand and direction of the Road Overseer thereof, or pay to such Overseer a commutation fee of three dollars.

SEC. 3. This Act shall take effect and be in force from and after its passage, and all Acts and parts of Acts inconsistent herewith are hereby repealed.

CHAP. CXXVII.—*An Act to authorize the Board of Supervisors of Solano County to erect a fireproof building for the protection of the records and papers in the offices of the County Clerk and County Recorder of said county.*

[Approved March 2, 1873.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Board to  
erect a fire-  
proof build-  
ing.

SECTION 1. The Board of Supervisors of Solano County are hereby authorized and empowered to erect a fireproof building at Fairfield, the county seat of said county, in which the records and papers belonging to the offices of the County Clerk and County Recorder of said county may be safely kept and preserved. Said building may be erected as an addition to the present Court-house building, or it may be detached therefrom and erected as a separate building, as the Board of Supervisors may think best.

Employ-  
ment of  
architect.

Cost of  
building.

SEC. 2. The said Board of Supervisors may employ a competent architect to draft plans and specifications of said building, and they shall have full power to do and perform all acts and things which may be requisite or necessary to carry out the provisions and objects of this Act. The aggregate cost and expense of erecting said building, and furnishing the same, together with the cost of plans and specifications, architect's fees, cost of superintendence, and cost of preparing and issuing the bonds, and the advertising provided in this Act, shall not exceed the sum of fifteen thousand dollars, and all said several amounts shall be paid out of the funds arising from the sale of the bonds in this Act provided for.

Advertise-  
ment for  
plans and  
specifica-  
tions.

SEC. 3. All contracts for the erection of said building shall be let to the lowest responsible bidder. The Board of Supervisors shall have power to reject any and all bids; they shall have power to advertise for plans and speci-



cations for said building, and to pay a sum not exceeding two hundred dollars for the plans, specifications, and estimates adopted by said Board, but said payment shall not be made until the architect, furnishing the plan so adopted, shall enter into a bond to erect the building for the amount of his estimate, as required by the provisions of an Act entitled an Act to regulate the erection of public buildings and structures, approved April first, eighteen hundred and seventy-two, if the Board of Supervisors shall demand such bond from him, under the provisions of said Act.

SEC. 4. The Board of Supervisors, after they shall have adopted plans and specifications for the said building, shall deposit the same with the Clerk of said Board for the inspection of builders, and shall cause to be published for at least two weeks, in some daily newspaper published in said County of Solano, and also in the official newspaper of said county, an advertisement inviting sealed proposals for the construction of said building. Said proposals shall be inclosed in a sealed envelope addressed to the Clerk of the Board of Supervisors of Solano County, and shall be indorsed "Bill for constructing fireproof addition to the Court-house of Solano County," and shall contain a bid for the construction of said building advertised for, according to the plans and specifications adopted by the Board, and shall state the names of their proposed sureties, and be accompanied by their written consent to become sureties in case of acceptance of the bid.

Advertisement for proposals.

SEC. 5. Within one week after the expiration of the time specified in the said advertisement for the presentation of said proposals, the Board of Supervisors shall meet, and having declared the time for receiving said bids closed, shall in public open all proposals that may have been received for the construction of said building, and shall proceed to consider said proposals, and shall, upon the filing of the bond hereinafter provided for, award the contract for the construction of said building to the lowest responsible bidder or bidders.

Opening of proposals.

SEC. 6. The person or persons to whom the contract for the construction of said building may be awarded shall file a good and sufficient bond, with two or more sureties, in double the amount of their respective bids, to be approved by said Board, and conditioned to the effect that the obligors will, well and truly, and in a workmanlike manner, cause the said building to be constructed and completed within such time, after the bid shall have been accepted, as the Board of Supervisors may fix, in accordance with the plans and specifications adopted by the Board, and will turn said building over to the county free from all liens or claims of mechanics, material men, or others. But no more than seventy-five (75) per cent. of the amount agreed upon to be paid for said work shall be paid as the work of construction progresses, and the remainder shall be paid when the work is completed and accepted by the Board of Supervisors. The District Attorney of the county shall draw up a contract in writing, embodying the terms of the contract, which shall be signed by the party or parties to whom the contract shall be awarded,

Bond of contractor.

Payment not made till the work is approved.

and by the Chairman of the Board of Supervisors on behalf of the county, and he shall be allowed a reasonable compensation for said service, not to exceed twenty dollars.

Issuance of  
bonds.

SEC. 7. For the purpose of providing means for the construction of said building, the said Board of Supervisors are hereby authorized to cause to be prepared suitable bonds of said county, and may issue and sell the same; said bonds to be denominated on their face "The Solano County Court-house Improvement Bonds." They shall be of the denomination of five hundred dollars (\$500) each, payable only in gold coin of the United States, and shall bear interest at the rate of seven (7) per cent. per annum, in like gold coin, from the date of their issuance, interest payable semi-annually, at the office of the County Treasurer of Solano County, on the first day of January and July of each year. The principal sum thereof payable at the office of said County Treasurer in ten years from the date of their issuance, which shall be the date of their delivery, at which time the date shall be therein inserted.

SEC. 8. All bonds issued under the provisions of this Act may be paid and discharged by said county at any time after five years from their respective dates, which right of payment and discharge shall be specified in said bonds.

SEC. 9. Said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the County Treasurer and County Auditor, and shall have the seal of the County Auditor of said county stamped thereon.

Interest  
coupons.

SEC. 10. Coupons for the interest must be attached to each bond, and must be signed by the County Treasurer. Each of said coupons shall be for the semi-annual interest on the bond to which it is attached, and must bear on its face the number of its bond, the date when it will be due, and the amount of interest to be paid. When the semi-annual interest upon a bond shall be paid, the coupon for the interest paid shall be detached and delivered to the Treasurer of the county, who must, after canceling the same, deliver it to the County Auditor and take his receipt for it, and the Auditor must file and safely keep in his office all coupons so delivered to him. The first coupon upon each bond must be for the interest from the date of such bond up to the first day of January after its issuance.

Board to  
ascertain  
all costs.

SEC. 11. The Board of Supervisors shall ascertain as nearly as possible the cost of construction and furnishing said fireproof building, including the cost of the plans and specifications and the cost of superintendence; also, the cost of the advertising required by this Act, and the cost of the preparation and sale of the bonds, the aggregate of all which amounts shall not exceed fifteen thousand dollars; and shall sell sufficient of said bonds at not less than ninety-five cents upon the dollar to cover said amount.

Sale of  
bonds.

SEC. 12. Before the sale of said bonds the said Board of Supervisors shall, by resolution, declare their intention to sell a specified amount of said bonds, and fix the day and hour of such sale; and shall cause such resolution to be entered in their minutes, and shall cause notice of such sale

to be published for twenty days in at least one newspaper published in Solano County, and one published in the City and County of San Francisco, and in any other newspaper in the State at their discretion. The notice shall state that sealed proposals will be received by the Board for the purchase of said bonds on the day and hour named in the resolution, and that no bid will be entertained for less than ninety-five per cent. of the par value of said bonds, and that the Board reserves the right to reject any and all bids.

SEC. 13. The Board of Supervisors, at the time appointed, shall open the proposals and award the purchase of the bonds to the highest responsible bidder. If the bid of the highest bidder does not equal in amount all the bonds offered for sale, then and in that case the said Board may award the purchase of the remaining bonds to the next highest bidder, in accordance with this section. If no bidder attend on the day fixed for the sale of the bonds, or if from any cause the sale of the bonds be not made on said day, then the Board of Supervisors may again advertise for bids in the same manner and for the same time above provided, and shall award the bonds in all respects as hereinbefore provided; but in no event shall any bonds be sold for less than ninety-five per cent. of their par value, and in all cases the Board shall have power to reject any and all bids.

SEC. 14. Said bonds shall be sold for gold coin of the United States, which fact must be stated in the notice above provided for.

SEC. 15. The Board may sell said bonds, at not less than their par value, without the notice provided for in section twelve (12) of this Act.

SEC. 16. Within ten days after the acceptance of any bids for the purchase of bonds the Board shall receive from the bidder the amount bid, and shall deliver to him the bonds purchased.

SEC. 17. The County Treasurer and County Auditor shall each keep an account of the bonds issued and the moneys received and disbursed under this Act.

SEC. 18. The proceeds of the sale of said bonds shall be deposited in the county treasury, to the account of a fund to be called the "Court-house Improvement Fund," and shall be applied to the payment of the cost of construction of said fire-proof building and furnishing the same, and the other expenses enumerated in this Act, to be paid out of the moneys resulting from the sale of said bonds; and all moneys remaining in said fund, after paying said several sums, shall be transferred to the General Fund of said county.

SEC. 19. The Board of Supervisors of the said county are hereby authorized and directed to levy annually, at the time and in the manner provided by the general revenue laws of the State for general county purposes, a tax on the assessed valuation of the property of said county sufficient to pay the interest on said bonds; and on and after the year eighteen hundred and eighty-two, twenty per cent. of the principal of said bonds; and the County Treasurer of said county is

hereby directed to set apart, of the money so raised as aforesaid, an amount sufficient to pay the interest, and also an amount sufficient to pay each and every year, on and after the year eighteen hundred and eighty-three, a sum sufficient to pay one-fifth part of said bonds, and the money so set apart shall be designated and known as the "Court-house Improvement Bond Sinking Fund," and shall not be used in any other way or for any other purpose than above specified.

Redemption  
of bonds.

SEC. 20. Not less than two weeks before the first day of January, A. D. eighteen hundred and eighty-three, and each and every year thereafter, the Board of Supervisors of the said county shall give public notice by publication, in not less than one paper printed and published in the said county, and in other papers if, in the opinion of the said Board, such additional published notice is expedient or necessary, that they will redeem a specified amount of the bonds issued under the provisions of this Act. Said published notice shall invite sealed proposals for the surrender of bonds in accordance with the said notice, at the time and place to be set forth in the said publication and notice aforesaid. The County Treasurer of the said county shall, in the presence of the Board of Supervisors, and such other persons as may desire to be present, open the sealed proposals for the surrender of bonds in accordance with the aforementioned published notice, and the said Board may accept only such bids as will redeem the greatest amount of said bonds; *provided*, that no bonds shall be redeemed at a higher rate than one hundred cents on the dollar. If, at the time set forth in the published notice mentioned in this section, no proposals have been offered for the surrender of bonds in accordance with said notice, the said Board must give notice by publication, in the same manner as is provided for on notice of intention to redeem bonds, that they are prepared to redeem certain bonds, which bonds shall be designated in said notice by number consecutively, and by date, commencing at the lowest number and farthest date of such bonds as are not redeemed; and no interest shall be payable on any bonds so published after thirty days from and after the date of the first published notice.

Opening of  
proposals

Clerk to  
keep record  
of bonds.

SEC. 21. The Clerk of the Board of Supervisors of said county shall keep a register, in which shall be kept a correct record of all the bonds issued under this Act. The said record shall show the number and amount of said bonds and date of issuance, the number and amount of coupons, when the interest, as due, is paid, and the number and amount of bonds redeemed, and time of redemption, and bonds published as being redeemable, and such other matter as may be pertinent or necessary in such record.

SEC. 22. This Act shall take effect immediately.

CHAP. CXXVIII.—*An Act to ratify and confirm the acts of the Mayor and Common Council of the City of San José.*

[Approved March 4, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Mayor and Common Council of the City of San José are hereby authorized and empowered to open Market Street, in said city, through the plaza known as Market Plaza. Said street shall be opened to the same width as other portions of Market Street contiguous to said plaza, to wit, fifty feet on each side of a line running through said plaza, said line to commence at a point in the center line of Market Street, where said Market Street forms a junction with San José Street and Guadalupe Street, on the northerly line of said plaza, and running thence southerly through said plaza to a point in the center line of said Market Street where said Market Street forms a junction with San José Street and Guadalupe Street, on the southerly side of said plaza; the whole width of the street to be opened to be one hundred feet.

Opening of street.

SEC. 2. The said Mayor and Common Council, after the opening of said street, may sell the ground of the plaza fronting on either side of said street to parties who own lands around said plaza, and between their respective lots and said street, and said owners of land shall have the privilege of buying such portions of said plaza grounds as are in front of their lots, in preference to all others, provided they do so within the time prescribed by section four of this Act. The price demanded for said lands shall be based upon the actual value thereof, and not on the prices at which other lands belonging to said city have been heretofore sold. Said lands may be sold at either public or private sale, and the proceeds thereof shall be paid into the General Fund of said city, and shall be used only for the purpose of building and maintaining public sewers in said city.

Sale of ground of plaza.

Valuation.

SEC. 3. The Mayor and Common Council shall, after the passage of this Act, direct the City Surveyor to survey said Market Street through said plaza, according to the description contained in this Act, and also such cross street or streets as may come into or be connected therewith, and shall make plans, diagrams, and specifications of said survey, and present the same to the Mayor and Common Council of said city. Immediately upon the receipt of the plans, diagrams, and specifications of said survey, the Mayor and Common Council shall order the Street Commissioner to proceed at once and open said street, and remove therefrom all fences and other obstructions which may hinder or impede travel thereon.

Street to be surveyed.

SEC. 4. Those parties wishing and having the privilege of buying said plaza shall make application in writing to the Mayor and Common Council, and, after paying the purchase money, the said Mayor and Common Council shall make

Application for purchase of plaza.

deeds of conveyance to said purchasers; but if the parties owning land around said plaza shall fail, for a period of six months from the passage of this Act, to make such application, then it shall be lawful for any party to make such application, and, by complying with the conditions of this Act, such party shall be entitled to such conveyance.

SEC. 5. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 6. This Act shall take effect immediately upon its passage and approval.

CHAP. CXXIX.—*An Act to protect Agriculture and to provide for the distraining of trespassing animals in the Counties of Los Angeles and Stanislaus.*

[Approved March 4, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Animals  
distrained.

SECTION 1. Animals found trespassing on lands owned or occupied by any one may be distrained by the party injured, and kept by him at the expense of the owner of such animals until released or sold as hereinafter provided.

Expense.

SEC. 2. The expense of keeping animals so distrained shall be computed as follows, viz.: For horses, mares, jacks, mules, jennets, and horned cattle, twenty cents; for hogs, ten cents, and for sheep and goats, five cents per day for each animal; and said expense shall constitute part of the damages suffered by the distrainer, and may be recovered by him as part of the damages in any action brought by him for the trespassing of said animals.

SEC. 3. Within three days after distraining any animals under this Act, the party distraining them shall cause the damage done to be viewed and estimated in writing by two disinterested residents of the county.

Notice to  
owners.

SEC. 4. If the owner of any animals distrained is known to the distrainer, he shall cause notice to be given to said owner personally, if he reside within six miles, and otherwise by mail.

Statement of  
distrainer.

SEC. 5. The distrainer shall also, within five days after distraining, give a statement in writing to a Justice of the Peace of the township; which statement shall contain a description of the animals and of their marks and brands, the place where and the date when distrained, and the place where to be held, and the amount of damages assessed by the viewers. It shall also state whether or not the owner of the animals is known or unknown to the distrainer, and shall be verified by him.

Publication  
of notice.

SEC. 6. The Justice shall file said notice, and shall post at the front door of the nearest post-office, or as near thereto as practicable, and also at the front door of the place where he holds Court, a written notice containing all the matters spec-

ified in the preceding section to be contained in the distrainor's statement, and also a statement that unless the animals are reclaimed and released, as hereinafter provided, within seven days from the date of said notice, which shall be the day of posting, the said animals will be sold at the place specified in the notice as the place where they were to be kept, at twelve o'clock M. of the second day after the expiration of said seven days.

SEC. 7. The owner of any animals distrained may at any time before their sale pay to the Justice, to whom notice shall have been given as aforesaid, the amount of the expense of keeping said animals incurred by the distrainor and the damages suffered by him as assessed by the viewers, and the costs of said Justice; or he may give to said Justice an undertaking of two sufficient undertakers, residents of the county, to be approved by him, in double the amount of said expenses, damages, and costs, that they will pay to the distrainor the amount of any judgment that may be recovered by him for the trespassing of said animals and the expense of keeping them, and that they will also pay to the Justice his fees, in the event of such judgment. Whereupon the Justice shall give him an order reciting the receipt of said money or undertaking, and directing the distrainor to release said animals, and upon the presentation of said order the same shall be released.

Release of  
animals,  
how made.

SEC. 8. If the animals be not reclaimed and the expenses, damages, and costs paid, or the undertaking given, as specified in the last section, within the seven days specified in the notice aforesaid, the Justice shall issue an order to a Constable of the township to sell said animals at the time and place specified in the notice aforesaid, and said sale shall be made accordingly.

Sale of  
distrained  
animals.

SEC. 9. The animals sold shall be redeemable at any time within two months by payment to the purchaser, or to the Justice, the amount of the purchase money, with ten per cent. added thereto, and the expense of keeping said animals, estimated as specified in section two, but if not redeemed in two months the sale shall be absolute.

Animals  
redeemable.

SEC. 10. The Justice, after deducting the amount of his fees and those of the Constable, and the amount of any money taken in execution as hereinafter provided, shall, within two months, pay the surplus to the County Treasurer, accompanying the same with a detailed list of the animals sold and the amount received for each, which list shall contain all the matters specified in section five, and shall take duplicate receipts therefor, one of which shall be by him filed with the County Recorder.

Duty of  
Justice.

SEC. 11. The party injured shall have a lien upon the animals distrained until their sale, and afterwards upon the proceeds of their sale, after deducting the Justice's and Constable's fees, for the damages suffered and the expenses incurred by him; and an execution upon any judgment recovered by him may be levied upon said animals, or, after the sale, upon the proceeds of the sale thereof, as well as other property, and the proceeds of the sale, or so much

Lien of  
injured  
party.

as may be sufficient to satisfy the execution, may be taken in execution while in the hands of the Justice, or afterwards in the hands of the County Treasurer.

Suit for  
damages.

SEC. 12. In case the party injured cannot discover the owner of the animals distrained, he may bring an action against him, in the District Court of the county, describing him as unknown, and against the animals *in rem*. The complaint in said action shall allege that the owner is unknown, and shall be verified. In such action the summons shall be served either by publishing a certified copy of the same in some newspaper, at least once a week, in the City of Los Angeles, or by posting such copy at the door of the Clerk's office of the Court, as the Court or the Judge thereof may direct, and for such time, not less than two weeks, as he may direct. In either case the publication shall be complete at the expiration of the time prescribed.

Publication  
of summons.

Fee of  
Justice and  
Constable.

SEC. 13. The Justice shall receive for making out any undertaking, as specified in section seven of this Act, fifty cents, and for all other services, one dollar and fifty cents. The Constable shall receive, for selling said animals, the same fee as for selling property under execution.

Disposal of  
purchase  
money.

SEC. 14. The purchase money of distrained animals sold under this Act shall be disposed of by the Treasurer, as follows: Upon the presentation to him by the Sheriff or a Constable of an execution issued upon a judgment recovered for the trespasses committed by the animals sold, he shall pay to said Sheriff or Constable so much of the money as may be sufficient to satisfy said execution; upon the order of the person by whom the animals were distrained, or upon presenting a certified copy of a judgment adverse to the said distrainer in an action for the trespassing of said animals, or upon giving an undertaking of two responsible undertakers residents of the county, to be approved by him, in the amount of the sum on hand, that they will pay to the distrainer the amount of any judgment recovered by him for the trespassing of said animals, the Treasurer shall pay said money to the owner of said animals. If not otherwise disposed of for one year, unless notified that a suit is still pending, the Treasurer shall put said money to the account of the School Fund of said county.

SEC. 15. This Act shall apply only to the County of Los Angeles and the County of Stanislaus.

SEC. 16. This Act shall take effect from and after its passage.



CHAP. CXXX.—*An Act to regulate the quality and standard illuminating power, and the price of gas, in all cities within the State of California having a population of one hundred thousand or more.*

[Approved March 4, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That in all cities in the State of California having a population of one hundred thousand or more, the local legislative body thereof, whether known and designated as the Board of Supervisors, or Board of Aldermen, or Common Council, or Board of Trustees, or otherwise, are hereby authorized and required to fix the standard quality and illuminating power of gas to be furnished, and the rate and price for each one thousand cubic feet to be charged therefor, by any person, company, or corporation whose pipes or mains are or shall be laid down in the streets or highways of such city, for the purpose of supplying gas for the use of such city, or for the inhabitants thereof, or for such city and its inhabitants; *provided, however,* that said Board or local authority shall not fix or establish the standard quality and illuminating power of gas in such city at less than sixteen-candle power, or such that five cubic feet of gas per hour so furnished shall give light at least equal to that afforded by the combustion of sixteen standard sperm candles consuming one hundred and twenty grains of sperm each per hour, the burner to be used in making such test to be that best adapted to the economical consumption of gas; *and provided further,* that such Board of Supervisors, or local legislative authority, by whatever name it may be known, shall not fix or establish the rate or price of gas so furnished to such city or its inhabitants at any greater price or rate than three dollars per thousand cubic feet.

Quality and price of gas to be fixed, by whom.

Proviso.

SEC. 2. It shall be the duty of the Mayor of each city having the population mentioned in section one of this Act, and such Mayor is hereby required, within thirty days after the passage and approval of this Act, to appoint, subject to the approval of the Board of Supervisors, or other local legislative body aforesaid, a person of competent experience and knowledge of and concerning the proper qualities and illuminating power of gas, and who shall not be directly or indirectly interested in or connected with any person, company, or corporation, engaged in the manufacture or furnishing of illuminating gas in such city, or elsewhere, either to such city or its inhabitants, or any of them, either as a stockholder or otherwise, who shall be known and designated as Gas Inspector of such city, who shall hold his said office for the term of two years, or until his successor shall be appointed and qualified; subject, however, to removal from his said office by the Mayor, with the concurrence of a majority of the Board of Supervisors, or other local legislative board aforesaid, for any one of the following causes, to wit: by rea-

Mayor to appoint an Inspector.

Term of office.

Oath of  
office.

Salary.

Duty of  
Inspector.

Same.

son of any interest in the manufacture or furnishing of gas in such city, whether such interest existed at the date of his appointment or was afterward acquired, or for want of competent knowledge, skill, or experience to enable him properly to discharge the duties of said office, or for any neglect, misconduct, or inefficiency in the discharge of the duties of said office, to the prejudice of such city, or its inhabitants, or any of them. The person so appointed shall, before he enters upon the duties of said office, and within ten days after his appointment and confirmation, take and subscribe an oath or affirmation before the County Judge of the county in which such city is situated, that he will faithfully and impartially perform and discharge all the duties required by this Act and the ordinances or resolutions of said Board passed or adopted under and pursuant to the provisions thereof, as such Gas Inspector of such city, and shall also, within the same time, give bond to the city in and for which he is appointed, in the sum of ten thousand dollars, with sureties to be approved by said Board, conditioned for the faithful performance of the duties of said office, which said oath and bond shall be filed with the Clerk of said Board. Such Gas Inspector shall be entitled to a salary to be fixed and allowed by said Board, which shall be paid monthly out of the General Fund of such city.

SEC. 3. It shall be the duty of such Inspector, immediately upon his appointment and qualification as such officer, as aforesaid, to make a careful examination and inquiry, by inspection, letter, or otherwise, as to the quality and illuminating power of the gas furnished and used in the principal cities of the United States, and the prices charged therefor, and also the comparative cost of the manufacture and supply of gas in other cities of the United States, with the cost of the manufacture and supply of the same in the city for which he is such Inspector, and report fully the result of such examination and information to said Board within six months after his appointment and qualification; and upon receiving such reports, said Board shall proceed to fix and establish the quality and standard illuminating power of gas to be used in such city, and the maximum price to be charged therefor; and such standard and price may be changed by said Board from time to time, not oftener than once every year, as increased consumption or other circumstances may in their judgment require.

SEC. 4. After said Board shall have fixed and established the quality and illuminating power, and the price of gas, as hereinbefore, it shall be the duty of such Inspector to examine and inspect, from time to time, at least once every week, without notice to the person, company, or corporation furnishing the same, the quality and illuminating power of the gas furnished to such city and the inhabitants thereof, and in case the same shall fall below the standard fixed by said Board, the said Inspector shall forthwith report the same to said Board; and at such other times as he may be requested thereto by the Mayor or any committee of said Board, he shall report to said Board upon any and all matters con-

nected with the manufacture, supply, and consumption of gas coming within the scope of his official duties, and specially upon any subject or subjects, matters or things connected therewith and specified in such request.

SEC. 5. After said Board shall have fixed and established the quality and standard illuminating power of the gas, and the price per thousand cubic feet, as in this Act provided to be charged therefor, it shall be unlawful for any person, company, or corporation to furnish to such city, or any inhabitant thereof, or other person therein, for illuminating purposes, gas of a lower standard or quality, or to charge or receive therefor a higher price than is provided by said Board, under the authority and subject to the limitations of this Act; and for every violation of the provisions of this Act, or the provisions of any order, resolution, or ordinance of said Board made in pursuance thereof, every such person, company, or corporation shall incur a penalty of not less than one hundred nor more than one thousand dollars, to be recovered in a civil action in the name and for the use of such city, in any Court of competent jurisdiction; and each day upon which such person, company, or corporation shall, without reasonable cause or excuse therefor, furnish gas of a lower quality or standard illuminating power than that fixed by said Board, shall constitute and be considered and held one violation thereof, and each month or shorter period for which said person, company, or corporation shall take an account of gas consumed, and for which they shall charge or receive a price greater than that fixed by said Board, shall be held and regarded as one offense, and any number of such offenses of either class, or both, may be joined in the same action, and the several penalties for the several violations proved or confessed in said action may be united and recovered in the same judgment; and such person, company, or corporation shall also be liable to such city and to any and each person or corporation who shall be injured by any such violation, in double the amount of damages actually sustained.

Certain acts declared unlawful.

Penalty for violation of this Act.

SEC. 6. All actions for penalties under the provisions of this Act shall be tried by the Court, unless a jury be demanded by either party; and when such action shall be tried by a jury, the jury shall find, as to each violation charged in the complaint, that "the defendant is guilty," or "the defendant is not guilty;" and upon each charge in respect to which the jury has found the defendant guilty, the Court shall fix the penalty, and render judgment for the aggregate amount of such penalties, together with costs of suit.

Actions tried, by whom.

SEC. 7. All penalties recovered under this Act shall be paid into the General Fund of such city.

SEC. 8. This Act shall apply to the City and County of San Francisco, as well as to cities whose municipal government is distinct from the county in which they are located.

SEC. 9. This Act shall take effect immediately.

CHAP. CXXXI.—*An Act to provide for the transfer of moneys by the Treasurer of Alameda County to and from the State treasury, and for the payment of the necessary expenses thereby incurred.*

[Approved March 5, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Transfer of  
moneys.

SECTION 1. The Treasurer of Alameda County shall be required to transfer all school moneys from the State treasury to the county treasury as soon as the same shall be apportioned to said county.

Payment of  
expenses.

SEC. 2. The Board of Supervisors of the County of Alameda is hereby directed to pay to the County Treasurer, out of the County General Fund, all necessary expenses incurred by said Treasurer in the transfer of school moneys from the State treasury to the county treasury.

Same.

SEC. 3. The Board of Supervisors of the County of Alameda are authorized and empowered to pay to the County Treasurer, out of the County General Fund, all necessary expenses incurred by said Treasurer in the transfer of moneys from the county treasury to the State treasury.

SEC. 4. This Act shall take effect on and after its passage.

CHAP. CXXXII.—*An Act to ratify the contract between the Stockton Gas Company and the City of Stockton, to supply gas to said city and its inhabitants, approved by the acting Mayor of said city on the eighteenth day of December, A. D. eighteen hundred and seventy-seven.*

[Approved March 6, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Preamble.

SECTION 1. Whereas, the City Council of the City of Stockton entered into a contract with the Stockton Gas Company, which was approved by the Acting Mayor of the City of Stockton on the eighteenth day of December, A. D. eighteen hundred and seventy-seven, which contract is, in words and figures, following, to wit: This memorandum of an agreement made and entered into this eighteenth day of December, A. D. eighteen hundred and seventy-seven, by and between the Stockton Gas Company, of the City of Stockton, State of California, party of the first part, and the City of Stockton, a municipal corporation, party of the second part: Witnesseth, that the said Gas Company has heretofore, by Henry Adams, its duly empowered Agent and Superintendent, submitted to the City Council of said city its certain written proposition to furnish illuminating gas for the lighting of the street lamps of the said city, which said proposi-

Memoran-  
dum of  
agreement.

tion is herein set forth at length, and made a part of this contract, and is as follows, to wit: To the City Council of the City of Stockton—Gentlemen: The Stockton Gas Company will relinquish existing contracts and furnish gas to the one hundred and ten (110) lamps at present in use on a contract for ten years, commencing January the first, eighteen hundred and seventy-eight, at four dollars (\$4 00) per month for each lamp (the city to pay for cleaning and lighting), and will erect fifteen (15) additional posts, with lamps complete (on the line of our street mains), and furnish gas to such lamps for the full term of such contract, for and in consideration of the exclusive privilege of laying mains and furnishing gas to the city and citizens of Stockton; *provided*, the City Council obtain the approval of the State Legislature. The Gas Company will lay mains and erect lamp-posts on each street intersection of such mains, as ordered by the City Council during the term of such contract, at the rate above specified, to wit: four dollars per month each, in current coin of the United States. Stockton, California, November sixteenth, eighteen hundred and seventy-seven. Henry Adams (Superintendent). Now, therefore, the said party of the first part, the Stockton Gas Company, hereby agrees and covenants to furnish illuminating gas of good quality for one hundred and ten (110) street lamps, at present in use in said city, for the term of ten years from and after the first day of January, eighteen hundred and seventy-eight, at the rate of four dollars (\$4 00) per month, in current coin of the United States, in the relative proportions of gold and silver that may each year during the terms hereof be received by said city in payment of municipal taxes, for each and every of said lamps; and, in consideration of the exclusive right and privileges granted to the said Gas Company by the said city, as hereinafter stated, said company further agrees to furnish and set fifteen additional posts, with lamps complete, and to furnish the same with a five-foot burner, so-called, and supply gas thereto and therefor. The posts and lamps to be kept in repair by the said company, but to be lighted, extinguished, and kept clean by said city, at its own proper cost, and at the times and hours following, to-wit: to be lighted one-half hour after sunset and one hour before moon sets, and to be extinguished one hour before sunrise and one hour after moon rises; *provided*, that on any dark or rainy nights the said lamps may be lighted and remain burning as long as necessary; and further, the said Gas Company hereby expressly covenants and agrees, as a part of this agreement, and it is one of the considerations of the promises on behalf of said city, hereinafter set forth, that at no time during the existence of this contract shall the Gas Company charge or receive from the citizens or residents of said city, for illuminating gas, a rate exceeding four and one-half dollars per thousand cubic feet. The said City of Stockton, in pursuance of said terms, hereby grants to the said Stockton Gas Company the exclusive right to lay mains and pipes in the streets of said city, and supply the city and the inhabitants thereof with illuminating gas for said term,

Agreement  
to furnish  
gas.

Time of  
lighting.

Rate  
limited.

City Council  
may relin-  
quish certain  
right.

Date when  
contract  
takes effect.

commencing January first, eighteen hundred and seventy-eight, and terminating January first, eighteen hundred and eighty-eight; and the city further covenants and agrees to pay the said Gas Company, for furnishing gas as aforesaid to the said one hundred and twenty-five (125) lamps, the sum of four hundred and forty dollars (\$440) monthly, in current coin, in proportion of gold and silver aforesaid. It is further understood and agreed that the said City Council may, at any time, relinquish the right to light the lamps, as herein specified, and enter into an agreement with the Stockton Gas Company to light, extinguish, and clean the public lamps of the said city during the remainder of the term of contract. The said Gas Company, in the exercise of the rights and privileges herein granted, of laying mains and pipes, shall use due diligence in guarding excavations, and shall repair the streets and public places excavated in a workmanlike manner, and shall, upon the order of the Street Committee of the City Council of said city, put in repair any place in the streets left by it in an unsafe or improper condition; and it is further understood and agreed by the parties hereto, that the said city shall have and hereby reserves the right to abrogate this contract, whenever illuminating gas equal in candle power, convenience, and safety shall be guaranteed to the aforesaid one hundred and twenty-five lamps, at two-thirds of the contract price, as hereinbefore stated. And it is further stipulated and agreed between the parties hereto, that, upon the date when this contract takes effect, to wit: January first, eighteen hundred and seventy-eight, all contracts heretofore made and executed between the parties to this agreement for the supplying of gas to said city, or the inhabitants thereof, and now in force and effect, shall be annulled and canceled, and shall cease and determine from and after said date of January first, eighteen hundred and seventy-eight. In testimony whereof, the parties hereto have executed this agreement in duplicate, and caused the same to be signed in their behalf, this eighteenth day of December, eighteen hundred and seventy-seven, the said company by its President and by the Agent and General Superintendent thereof, in and for the City of Stockton, and the said city by its Mayor and City Clerk, thereunto duly empowered.

[Seal of the City of Stockton.]

THE STOCKTON GAS COMPANY,  
Jos. G. EASTLAND, President.

H. ADAMS,  
Superintendent and Agent for Stockton.

Attest: JULIUS STIENY, City Clerk.

J. SALZ,  
President of City Council, Acting Mayor.

SEC. 2. It is therefore enacted that said contract is hereby ratified and confirmed, and shall be in force pursuant to the terms of said contract.

SEC. 3. This Act shall take effect immediately.

CHAP. CXXXIII.—*An Act to amend sections one and three of an Act entitled "An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies," approved January twenty-fifth, eighteen hundred and seventy.*

[Approved March 6, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section one of said Act shall be amended so as to read as follows: Section 1. The Assessor of the City and County of San Francisco shall be allowed to assist him in making his assessments, in lieu of the deputies now provided by law, as follows: For the office, one chief deputy, seven office deputies, one head draughtsman, one assistant draughtsman; for the field, one chief deputy and seven under deputies. Power conferred on Assessor.

SEC. 2. Section three shall be amended so as to read as follows: Section 3. The seven under field deputies shall be paid at the rate of one hundred and fifty dollars per month each. The term for which such deputies shall be paid shall not exceed an average of six months each, namely, from the first day of February until the first day of March of each year, and from the first day of August until the first day of January of each year. Salary of deputies.

SEC. 3. This Act shall take effect and be in force from and after the first day of August, A. D. one thousand eight hundred and seventy-eight.

CHAP. CXXXIV.—*An Act providing for the election of an Attorney in and for the City of Sacramento.*

[Approved March 6, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. There shall be elected hereafter, in and for the City of Sacramento, by the qualified electors thereof, at the regular city election in March, one thousand eight hundred and seventy-eight, and every two years thereafter, one Attorney, duly licensed as such by the Supreme Court of this State, who shall hold his office for two years from the first Monday in April succeeding his election, and until his successor is elected and qualified, and shall be paid by said city a salary of eighteen hundred dollars per annum, to be audited and paid monthly, in the same manner as the salary of the Police Judge of said city is now audited and paid. Attorney to be elected.

SEC. 2. He shall prosecute all criminal actions, examinations, and proceedings arising within the limits of said city, brought by the people of the State of California before any Salary. Duty of Attorney.

Justice's or Police Court of said city, and also do and perform such other duties in suits or proceedings, when the City of Sacramento may be a party, as may be required of him by the Board of Trustees of said city, and for such services shall receive no additional fees or salary than such as is provided in section one of this Act.

Attorney to  
give bond.

SEC. 3. Said Attorney so elected shall be known as the City Attorney, and before entering upon the duties of his office he shall take his oath of office, and shall also give a bond to said city in the penal sum of ten thousand dollars, with good and sufficient sureties, to be approved by the said Board of Trustees, and conditioned for the faithful discharge of the duties of his office; he shall file said bond and said oath of office with the said Board of Trustees.

SEC. 4. All Acts or parts of Acts in conflict with the provisions of the foregoing Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CXXXV.—*An Act to provide funds and empower the Board of Supervisors of Fresno County to improve the Court-house and County Hospital grounds.*

[Approved March 7, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Board to  
meet.

SECTION 1. Within five days after the passage of this Act the Board of Supervisors of Fresno County must meet at the county seat of Fresno County for the following purposes:

Advertise-  
ment for  
proposals.

*First*—To advertise for a period of ten days for sealed proposals for fencing in, as they may direct, the Hospital and at least four acres of the Court-house grounds in said county seat of Fresno City.

Same.

*Second*—To advertise for a period of ten days for proposals for laying out said Court-house grounds, and planting trees, shrubs, etc., thereon, and keeping said plants in good growing condition for at least one year.

Same.

*Third*—To advertise for sealed proposals for the purchase of bonds of the county in an amount not to exceed ten thousand dollars to provide funds for the purposes herein mentioned.

Name of  
bonds.

SEC. 2. Said bonds shall be known as the "Court-house and Hospital Grounds Improvement Bonds," and shall bear interest at the rate of eight per cent. per annum, in gold coin, payable semi-annually on the third Monday in January and July, and shall be redeemable in gold coin at any time after their issuance. Said bonds shall be in sums of not less than one hundred nor more than five hundred dollars; shall bear the date of their issuance, and shall be signed by the Chairman of the Board of Supervisors, the County Auditor, and the County Treasurer of said county. Coupons for the inter-

Denomina-  
tion of same.



est shall be attached to each bond, signed by the Chairman of the Board of Supervisors and the County Treasurer.

SEC. 3. Before the sale of any of said bonds the said Board of Supervisors shall, at a regular meeting of said Board, cause to be entered upon the records of said Board an order directing the sale of a specified amount of said bonds, and the day and the hour of such sale, which shall not be less than thirty days after the entry of said order, and shall cause a copy of such order to be inserted in a newspaper published in said county, for at least three successive weeks, and also one paper in the City of San Francisco, and also that sealed proposals will be received by the said Board for the purchase of said bonds. On the day and hour named in said order the said Board shall open all sealed proposals received by them and shall award the purchase of said bonds to the highest responsible bidder; *provided*, that the said Board may reject all bids; *and provided further*, that no bonds shall be sold at less than ninety-five cents on the dollar, par value.

Order directing sale of bonds.

Opening of proposals.

SEC. 4. The said Board may sell bonds at not less than ninety-five cents on the dollar, par value, without the notice provided for in the preceding section.

SEC. 5. The amount of bonds sold, their numbers and dates, shall be entered on the record of said Board.

SEC. 6. The proceeds of the sale of said bonds shall be paid into the county treasury, and shall be expended under the supervision of the Board of Supervisors, for the purpose of improving the Court-house and County Hospital grounds.

Proceeds of sale.

SEC. 7. After any of said bonds are sold, and until all bonds sold are redeemed, the said Board are hereby authorized, and it shall be their duty, to levy annually, and at the same time as other State and county taxes are levied, a tax not exceeding five cents on each one hundred dollars value of taxable property in said county. Such tax, when collected, shall constitute a fund for the payment of the interest on said bonds and to provide for the liquidation of the same, and shall be named the Court-house and Hospital Improvement Fund; and if any interest shall be due on said bonds, and there is no money in said Improvement Fund to pay the same, the County Treasurer shall transfer to the said Improvement Fund, from any and all other funds of said county, except the School Fund, a sufficient sum to pay said interest.

Interest tax to be levied.

SEC. 8. Whenever, on the second day of January in each year, after the year one thousand eight hundred and seventy-eight, there shall remain in the Improvement Fund, after the interest then due has been paid, a sum of five hundred dollars or more, the said Supervisors shall advertise in a newspaper published in said county, for the space of three weeks, for sealed proposals for the redemption of said bonds; and one week from the time of publication, the said Supervisors shall open the sealed proposals and shall pay the bonds offered at the lowest price, as far as the money in the Improvement Fund will extend; *provided*, that no bids shall be considered for more than the par value of said bonds. Should there be no proposal made for the par value or less, then the money in said Improvement Fund shall be used

Redemption of bonds.

for the redemption of said bonds according to the number of their issue, of which the County Treasurer shall give the same notice as is required by law in the case of the redemption of county warrants; and from the date of said notice, the bonds proposed to be redeemed shall cease to draw interest; and if any of such bonds shall not be presented within three months from the date of such notice, the County Treasurer shall apply the money for the redemption of the bonds next in order of the number of issue.

Cancellation.

SEC. 9. Whenever any bond shall have been paid the County Treasurer shall mark the same "canceled" over his signature, and return the same to the County Auditor, in the same manner as redeemed county warrants, with interest coupons not then due attached.

Board authorized to purchase bonds.

SEC. 10. The Board of Supervisors of Fresno County are hereby authorized to order the Treasurer to invest any moneys in the Swamp Land Fund of said county in the purchase of said bonds; *provided*, that all interest accruing on bonds so purchased, and five per cent. per annum on the total amount of bonds so purchased additional, shall be placed in a sinking fund; and the Board shall from time to time cause the money in said fund to be applied to the redemption of bonds purchased with the said swamp land money, and the money paid for such bonds shall be returned to the Swamp Land Fund; *provided further*, if at any time legal claims for money from said Swamp Land Fund should be presented in excess of the amount of money remaining in such fund, it shall be the duty of the Board of Supervisors to sell such amount of bonds purchased by said funds as may be necessary to meet the payment of such demands.

SEC. 11. The Board shall call such meetings, and enact such rules not in contravention with law, as shall be necessary to fully carry out the provisions of this Act.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAP. CXXXVI.—*An Act concerning trespassing of animals upon private lands in certain counties in the State of California.*

[Approved March 7, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Trespassing declared unlawful.

SECTION 1. It is unlawful for any animal, the property of any person, to enter upon any land owned by or lawfully in the possession of any person other than the owner of such animal.

Recovery of damages.

SEC. 2. The owner of, or person who is in the lawful possession of, any land trespassed upon, in violation of this Act, is entitled to recover, by action in a Court of competent jurisdiction, from the owner of, or person in the possession of, or person chargeable with the care of, the trespassing ani-

mal or animals, all damage sustained by reason of such trespass, together with costs of suit.

SEC. 3. For the purpose of allowing the plaintiff a better security for the payment of any judgment he may recover in actions brought under the first two sections of this Act, all the provisions of the Code of Civil Procedure of this State relating to attachment process shall apply to such actions, subject only to the modifications herein contained, to wit: Instead of filing the affidavit on attachment required by sections five hundred and thirty-eight and eight hundred and sixty-six of said Code, the plaintiff is entitled to the issuance of a writ of attachment against the property of the defendant, upon filing his complaint stating a cause of action, verified according to the law concerning the verification of pleadings.

Code of Civil Procedure made applicable.

SEC. 4. No animal is exempt from attachment or execution, levy and sale, to satisfy a judgment that may be rendered against the owner of such animal for trespass committed by such animal.

SEC. 5. When it is not known by the party injured to whom the trespassing animal belongs, then and in that case the trespassing animal or animals shall also be liable for all damage done by such trespass, which liability may be enforced in the following manner: The party injured may bring an action *in rem* in the District Court of the county directly against the trespassing animal or lot of animals trespassing at the same or different times, whether of the same or different marks or brands. The complaint shall describe the defendant animals to a common certainty, and by marks or brands, if marked or branded; and in other respects shall state a cause of action, and shall be verified.

Suit for damages, how brought.

SEC. 6. The summons in an action *in rem* must be directed to the defendant animal or animals by like description as in the complaint, must be signed by the Clerk of the Court, issued under its seal, and must contain:

Summons, how directed.

*First*—The name of the plaintiff, and a designation of the defendant by like description as in complaint, the Court in which the action is brought, and the county in which the complaint is filed.

*Second*—A general statement of the cause of action.

*Third*—A direction that an answer in the case must be made to the complaint on file within ten days after a copy of the summons is posted at the Court-house door in said county.

*Four*—A notice that unless the defendant so answers, the plaintiff will apply to the Court for the relief demanded in the complaint.

SEC. 7. Such summons shall be served by the Sheriff of the county, by posting a copy thereof at the Court-house door of the county, and the time in which an answer on the part of the defendant animal must be made is any time within ten days after such service by posting as aforesaid, and the effect of such service of summons shall be that all owners of and any person having any interest in any of such

Sheriff to post copy of summons.

defendant animals are to be as conclusively bound by all the proceedings to be had in the case as though all such persons had been made parties to the suit and personally served with summons. Any person interested in any property sued may appear and defend as to such property; *provided*, that the name of any such person so appearing shall be entered as a defendant, and if the plaintiff recover judgment against such property, and the same does not sell for sufficient to pay the same, the unpaid balance may be docketed as a personal judgment against such person so appearing.

Clerk to enter default.

SEC. 8. If no answer is filed within ten days after the day on which the summons has been posted, then the Clerk of the Court shall enter the default of the defendant animals so failing, upon proof being filed of the fact of posting of summons by the return of the Sheriff indorsed thereon to that effect.

District Court open for purpose of entering judgment.

SEC. 9. In direct actions against trespassing animals, when the damage claimed is less than fifty dollars, and the value of the property sued is less than said sum of fifty dollars, and the complaint in the case is verified, and the defendant makes default, then and in such cases the said District Court is always open for the purpose of entering judgment upon such default, though the Judge of the Court may be absent from the county where the action is pending or presiding in another Court in a different county, and upon such verified complaint, return of Sheriff, and summons, certificate of entry of default by the Clerk, and depositions of witnesses on the part of plaintiff to be taken before the Clerk of the Court, after posting notice of taking such depositions two days at the Court-house door, the Court shall, upon application of plaintiff, if the Court is satisfied that from the proof the plaintiff is entitled to recover, render judgment, within two days after receipt of the papers in the case by the Judge, for such amount as may be just, in favor of the plaintiff, and transmit the same to the Clerk of the Court, who shall enter it in the judgment book of the Court, and thereafter the plaintiff may cause an execution to issue upon the same. If the Court has any reasonable doubt as to the merits of plaintiff's case, it shall be his duty to order the same to be continued for a hearing to such time as the Court may fix, when the same can be tried in regular term, with the witnesses in open Court.

Continuance of case.

SEC. 10. The plaintiff may procure an attachment against the property defendant in an action *in rem*, under this Act, in the same manner as in cases where the owner is sued, and the undertaking on attachment shall enure to the benefit of the owner of the property defendant if plaintiff fail to recover in the action.

Court to fix amount of damages.

SEC. 11. When the plaintiff recovers in an action against the trespassing animals, the judgment of the Court shall fix the amount due the plaintiff for damages and costs, and if any person has appeared for the defendant property, the name of such person, and shall direct that the defendant property be sold according to law and the proceeds thereof applied to the payment of the expenses of such sale, the

amount due plaintiff, and the costs in the case, and that any overplus there may be paid into Court.

SEC. 12. Any such overplus so paid into Court shall be paid to the party in good conscience entitled thereto, upon an order of Court made for that purpose. Overplus.

SEC. 13. Any person injured by a violation of section one of this Act, may, at his option, distrain and take into his possession any trespassing animal or animals and keep the same two days without instituting any legal proceedings under this Act, so that he may have proper time in which to make the necessary inquiries as to the ownership of the animals and to determine which remedy given herein he is entitled to; but the owner, or any person having special property in the animal distrained, shall be entitled to the same upon tendering to the distrainer the amount of damage done or an undertaking, with two good and sufficient sureties, in double the amount claimed by the distrainer for damages and cost of keeping, conditioned that he will pay to the distrainer all damages he has sustained by reason of such trespass, together with a reasonable sum for care and feed of the animals while distrained, and costs of suit; and as between the parties tendering and receiving such undertaking, such tender and receipt is conclusive evidence that the party tendering is the owner of the animals distrained and legally chargeable with any damage it may have done to distrainer. Payment for damages; how made.

SEC. 14. In all other matters than those in which a different rule is herein prescribed the course of procedure prescribed in the Code of Civil Procedure shall prevail in suits brought under this Act.

SEC. 15. Whenever any animal is lawfully distrained under section thirteen of this Act, then the distrainer shall be entitled to recover reasonable compensation for care and feed of such animal during the time of such lawful distraiment; and in actions brought under the provisions of this Act, when the plaintiff recovers, then a reasonable sum for keeping any animal levied upon by attachment process or under execution shall be allowed as costs of suit. Care and feed of distrained animals.

SEC. 16. This Act shall apply to all of that part of the County of San Bernardino lying south of a line drawn due east and west from the Colorado River to the western boundary line of said county, on the township line between townships two and three north of San Bernardino base line and Alpine County, and all that portion of Salmon Falls Township, in El Dorado County, lying south of the south fork of the American River, and to the Counties of Colusa, and that portion of Tehama County lying west of the Sacramento River and south of Red Bank Creek, Humboldt, Merced, Solano, Santa Barbara, San Joaquin, San Luis Obispo, and Sacramento, and to the Townships of White Oak and Mud Springs, in the County of El Dorado. Act made applicable to certain districts.

SEC. 17. All Acts and parts of Acts, in so far as the same may conflict with this Act, are hereby repealed.

SEC. 18. This Act shall take effect from and after its passage.

CHAP. CXXXVII.—*An Act to prevent the circulation of bogus election tickets, and to prevent frauds upon voters.*

[Approved March 7, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Power of  
political  
committees.

Size of  
vignette.

Length of  
tickets.

Copy of  
vignette to  
be filed.

Misdemeanor.

Same.

SECTION 1. It shall hereafter be lawful for the State Central or other managing committee of any political party having a State organization, and for the city or county or other managing committee of any municipal or local party, before each election in this State, to prepare and adopt, by engraving or otherwise, a ticket vignette, or heading, with an appropriate inscription, to be printed at the top of the ticket of the party, on the inside thereof, as a distinctive and characteristic heading thereto. Such vignette shall not be more than two inches high by four and a half inches wide, and in addition to the device adopted shall set forth legibly the fact that the ticket is the regular ticket of the party, with the name thereof. It shall also show the district, ward, or precinct where such ticket may be lawfully voted. Said vignette and inscription shall stand at the head of the ticket, on the inside thereof, and be followed within a space not to exceed one-half of an inch, by the word "For" on the first line thereof, and the names of candidates and offices shall then be printed below in the order and manner provided for in section eleven hundred and ninety-one of the Political Code. The length of the tickets to be used at elections in this State hereafter shall, in case the length of tickets now allowed by law is insufficient to permit of the printing of such vignette, or heading, and have sufficient margin at the top and bottom, and not otherwise, be increased two inches in addition to the length prescribed by section one thousand one hundred and ninety-one of the Political Code, in order to allow space for said vignette and inscription.

SEC. 2. When such vignette and inscription have been adopted and prepared, an impression of the same, followed by the regular ticket of such party, printed so as to constitute a lawful election ballot, and sealed up in an envelope, may be filed with the County Clerk of the county at any time before the opening of the polls on election day. Such ballot shall be kept by said Clerk on deposit, and from the time of said filing it shall be unlawful for any person to imitate, copy, or in any manner counterfeit the same. Any person violating the foregoing provision shall be deemed guilty of a misdemeanor, and on conviction punished accordingly.

SEC. 3. Any person who shall knowingly print, circulate, or distribute, any ticket, or tickets, ballot, or voting paper, having therein, or thereon, the vignette, or an imitation of the vignette or inscription, of any ballot or ticket so filed with the County Clerk, but containing the name or names of any candidate or candidates, other or different from the name or names, candidate or candidates, upon the ballot or ticket of such party so filed or deposited with said Clerk, shall

be deemed guilty of a misdemeanor, and on conviction punished accordingly; *provided*, that nothing in this Act shall be construed to interfere with the right of any elector to erase or insert any name or proposition upon said ticket, if done in writing.

SEC. 4. Hereafter all tickets, in addition to the matters provided for in section eleven hundred and ninety-one of the Political Code, and immediately above the word "For," as specified in said section, shall show the name or number of the district, ward, or precinct where the same is to be used, and if such name or number is not contained in the party vignette (as it must be if one is used), then the same shall be printed in capital letters, so as to take up not more than two inches of space, which in all cases shall be added to the lengths of the ticket as established by said section of the Political Code: *provided*, that the provision of this section shall not be compulsory except in the City and County of San Francisco.

Additional matter on vignette.

CHAP. CXXXVIII.—*An Act for the relief of George C. Knox.*

[Approved March 7, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

WHEREAS, George C. Knox was on the first Monday in May, eighteen hundred and seventy-four, in accordance with the provisions of an Act entitled "An Act to promote irrigation in the County of Los Angeles," passed March tenth, eighteen hundred and seventy-four, appointed by the Board of Supervisors Superintendent of Irrigation for the County of Los Angeles, and duly qualified as such, and performed the duties of said office until the expiration of his term, on the first Monday in March, eighteen hundred and seventy-six; and whereas, the said George C. Knox was, at the general election in the year eighteen hundred and seventy-five, elected to fill the said office for the ensuing term, to wit, from the day last named to the first Monday in March, eighteen hundred and seventy-eight, and duly qualified and performed the duties of his office during the said term; and whereas, the Board of Supervisors have neglected to fix the amount of the salary of said office, and the said George C. Knox has in consequence received no compensation for his services in said office; therefore:

SECTION 1. It is enacted that the Board of Supervisors of the County of Los Angeles shall fix the amount of the salary of said office for the said terms, to wit, from the first Monday in May, eighteen hundred and seventy-four, to the first Monday in March, eighteen hundred and seventy-eight, at such sums as the services rendered were reasonably worth, and that the salary and mileage of the said George C. Knox, as Superintendent of Irrigation, for the said terms, as fixed

Board to fix salary.

by the said Board, shall be paid out of the treasury of the County of Los Angeles.

SEC. 2. This Act shall take effect immediately.

CHAP. CXXXIX.—*An Act to provide for the distribution of school moneys in the County of Contra Costa.*

[Approved March 8, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Duty of Superintendent.

SECTION 1. The School Superintendent of Contra Costa County must apportion all State and county school moneys as follows:

*First*—He must ascertain the number of teachers each district is entitled to, by calculating one teacher for every one hundred census children, or fraction thereof of not less than fifteen census children, as shown by the next preceding school census.

Same.

*Second*—He must ascertain the total number of teachers for the county, by adding together the number of teachers assigned to the several districts.

Same.

*Third*—Five hundred dollars shall be apportioned to each district for every teacher assigned it; *provided*, that to districts having ten and less than fifteen census children shall be apportioned three hundred dollars.

Apportionment of school moneys.

*Fourth*—All school moneys remaining on hands after apportioning five hundred dollars to each district having fifteen census children or more for every teacher assigned it, and after apportioning three hundred dollars to districts having less than fifteen census children, must be apportioned pro rata to the census children in each district in excess of twenty census children.

Repeal.

SEC. 2. An Act entitled an Act to provide for the distribution of school money in certain counties, approved March eighteenth, eighteen hundred and seventy-six, is hereby repealed so far as its provisions relate to Contra Costa County.

SEC. 3. This Act shall take effect and be in force from and after the thirtieth day of June, eighteen hundred and seventy-eight.



CHAP. CXLI.—*An Act to amend an Act entitled an Act to fix the salaries of certain officers in Mendocino County, approved February twenty-seventh, eighteen hundred and seventy-four.*

[Approved March 8, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four of said Act is hereby amended so as to read as follows: Section 4. The County Recorder for all services required of him by law, or by virtue of his office, to include all deputies and clerk hire, shall receive the sum of two thousand dollars per annum; *provided*, that for all services performed by said Recorder as provided in section forty-two hundred and forty-three of the Political Code, and for all services performed by him that might be performed by a Notary Public, he may collect the fees allowed by law and retain the same to his own use and benefit.

Salary of  
County  
Recorder.

SEC. 2. This Act shall take effect and be in force from and after the first day of March, A. D. eighteen hundred and seventy-eight.

CHAP. CXLI.—*An Act for the relief of the School Department of the City of Oakland.*

[Approved March 8, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Common Council of the City of Oakland may, at its discretion, at the same time that the general taxes are levied, levy a special tax for the years one thousand eight hundred and seventy-eight and one thousand eight hundred and seventy-nine, of a sum not to exceed ten cents each year on every one hundred dollars of taxable property of said city, which shall be levied and collected as other taxes are levied and collected, for the purpose of liquidating the present indebtedness of the school department of said city, and for the purchase of real estate, and for the erection of school buildings.

Special tax  
to be levied.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXLII.—[See volume of *Amendments to the Codes*.]

CHAP. CXLIII.—*An Act to authorize the Common Council of the City of Eureka, in Humboldt County, to sit as a Board of Equalization.*

[Approved March 8, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Duty of Council.

SECTION 1. The Common Council of the City of Eureka shall have power, and it shall be their duty, to meet at least once each year as a City Board of Equalization of taxes. Such meetings shall be held at such times and place, and for such length of time, as the Common Council may by ordinance provide.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXLIV.—*An Act to create an additional Contingent Fund for Trinity County.*

[Approved March 8, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Additional fund to be created.

SECTION 1. The Board of Supervisors of Trinity County are hereby authorized and empowered to, in each year, set aside from any money in the county treasury, belonging to the General Fund of said county, the sum of five hundred dollars, in addition to the present Contingent Fund; said amount to be known as the "Additional Contingent Fund of Trinity County," and shall be subject to the order of said Board of Supervisors, to be used for any county purposes, in the discretion of said Board.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXLV.—*An Act to amend an Act entitled an Act to extend an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, approved April eighth, eighteen hundred and fifty-nine, by repealing the Act so far as it relates to Trinity County, except the town site of the Town of Weaverville, in said county.*

[Approved March 8, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Provisions only applicable to portion of county.

SECTION 1. Section one of an Act to extend an Act concerning hogs found running at large in the Counties of

Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, approved April eighth, eighteen hundred and fifty-nine, is hereby amended so that its provisions shall not be applicable to Trinity County, except within the town site of the Town of Weaverville, in Trinity County.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXLVI.—*An Act to incorporate the Town of Felton, in the County of Santa Cruz, State of California.*

[Approved March 8, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The inhabitants of the Town of Felton, County of Santa Cruz, and State of California, are hereby constituted a body corporate and politic under the name and style of the Town of Felton, and by that name they and their successors shall be known in law, have perpetual succession, and be invested with all the rights and privileges conferred upon them by this Act. Town of Felton.

SEC. 2. The area of the Town of Felton shall be a square, having three-fourths of one mile for a side, and its center five feet east of the southwest corner of Bennett Street and Baldwin Avenue, as laid down on town plat by T. W. Wright, now on file in the office of the County Clerk of said county. The sides of said square run respectively north, south, east, and west; *provided*, that the east line, running south from the northeast corner, shall not cross the Zayante River, but follow down the center of said river until the line crosses the county road below the Eagle Fuse Works, situated on said river, and thence follow along said road until it reaches the original line, and thence in a south direction. Boundaries.

SEC. 3. The officers of the Town of Felton shall be a Board of three Trustees, a Recorder, Assessor, Treasurer, Clerk, and Marshal. Town officers.

SEC. 4. The corporate powers of the Town of Felton shall be vested in the Board of Trustees. Any two of said Board shall constitute a quorum, and one may adjourn from day to day and compel the attendance of the absent members in such manner and under such penalty as the Board previously, by ordinance, may have prescribed. Corporate powers.

SEC. 5. The Trustees shall be elected by the people to serve for the term of one year, and until their successors shall have been elected and qualified. The Town Treasurer, Assessor, Clerk, Recorder, and Marshal, shall be elected by the qualified electors of said town. The election for Trustees shall be held on the second Saturday in April. The Election of officers.

acting Trustees shall appoint one Inspector and two Judges, who, with a Clerk appointed by them, shall take the oath of office, and hold said election in accordance with the election laws of the State for State elections. No person shall be entitled to a vote at these elections unless he shall be a qualified elector of the State, and have resided in the incorporate limits at least thirty days preceding the election. Any elector, as aforesaid, is eligible to the office of Trustee. The persons receiving a plurality of the votes cast shall be declared elected. The compensation of the officers of the election shall not exceed the sum of one dollar for each person for each day's labor, and paid as other debt of the town, as hereinafter named. All election returns of said elections shall be made out by the officers of the election, and filed with the Town Clerk. The polls of all town elections shall be opened at one o'clock P. M., and continue open until eight o'clock of the same day. The Trustees shall be required to give no bonds, and shall receive no compensation.

Meetings of Board.

SEC. 6. The Board of Trustees shall fix, by ordinance, the times and places of holding their stated meetings, and may be convened at any time by the President of the Board. All meetings of the Board shall be held within the corporate limits of the town, and shall be public.

Power of Board.

SEC. 7. The Board of Trustees shall judge of the qualifications and election returns of their own members, and determine all contested elections. They may establish rules for their own proceedings, punish any member or other person for disorderly behavior in their presence. They shall keep a journal of their own proceedings, and at the desire of any member shall order the "yeas" and "nays" taken on the question and entered on the journal.

Same.

SEC. 8. The Board of Trustees shall have power within the town limits:

*First*—To make by-laws and ordinances in accordance with the Constitution and laws of the State.

Levy and collection of taxes.

*Second*—To levy and collect, for revenue purposes, taxes on all real and personal property made taxable for State and county purposes, not exceeding one-half per centum per annum on the assessed value of such property.

Tax for improvement of streets.

*Third*—To make special assessments of taxes for altering, widening, filling up, grading, graveling, or otherwise improving any street or public grounds, or keeping the same in repair, of the town, amounting to the whole cost of such improvement, on the real property situated on either side of the street or public ground to be improved, according to the benefit to accrue thereby to such property, to be computed by three persons chosen by the Board of Trustees for that purpose, and who shall, before entering upon their duties, be sworn to make such computation faithfully and impartially, and shall make their report in writing and under their hands, and the concurrent report of any two of whom may be received as final in the premises; *provided*, that the owners of more than three-fourths of the real estate on either side of any street, or alley, or public ground, shall petition the Board of Trustees for such improvement; *pro-*

vided further, that no assessment of taxes on any real property, for the purpose named in this section, shall exceed one per centum in aggregate, in any one year, of the cash value.

*Fourth*—To provide for the draining, grading, paving, improvement, and repairs, and lighting of streets, and the construction of sidewalks, drains, and sewers, and keeping the same in repairs, and the prevention and removal of any obstructions on the streets or sidewalks, or any public ground of the town. Repair of streets and sidewalks.

*Fifth*—To provide for the prevention and extinguishment of fire.

*Sixth*—To regulate the storage of gunpowder, tar, pitch, resin, and other extremely combustible materials. Combustibles.

*Seventh*—To procure, provide, and maintain public reservoirs, and the necessary right and title to the same; also, water-claim or claims necessary to supply the town with pure fresh water for culinary and other purposes.

*Eighth*—To prevent and remove all nuisances; to prevent, by fine, the running at large of cattle, horses, sheep, goats, swine, mules, and provide for the impounding of the same, and selling the same to pay the costs and expenses of impounding and keeping the same; to compel the muzzling and killing of dogs, and to authorize their being killed, and to order an annual collection of a tax of at least two dollars, and not more than five dollars, on each and every dog owned or kept within the town; also, to order collected, an annual tax for general purposes, of no more than two dollars, and not less than one dollar, on each male person over the age of twenty-one years, and resident in the town. Impounding of animals.  
Dog tax.  
Poll tax.

*Ninth*—To prevent and restrain any riot or disorderly assemblage or conduct in any street or public place in the town, and to provide and maintain a chain-gang, and make the necessary rules and regulations for the same.

*Tenth*—To remove from the inhabited parts of the town, any slaughter-house, hog-pen, hay-stack, and other offensive things.

*Eleventh*—To license, regulate, tax, or prohibit, or suppress, any dram shop, tippling house, hawkers, and peddlers, and pawnbrokers, and to suppress disorderly houses, gaming, and gambling houses. License of houses.

*Twelfth*—To license and regulate auctioneers, bar-rooms, billiard tables, howling alleys, theatrical and other exhibitions, shows, and amusements; *provided*, that no license tax shall be assessed by the Board of Trustees of said town for any saloon, billiard table, public house, or bowling alley exceeding ten dollars per month. Same.

*Thirteenth*—To appropriate money for any item of town expenditure and to provide for the expenses of the town. No debt or debts, in the aggregate, shall exceed two hundred and fifty dollars at any one time in excess of the money in the treasury to pay such debts. Appropriations for expenses.

*Fourteenth*—To pass all ordinances and by-laws for the carrying into full effect the foregoing powers.

SEC. 9. The Board of Trustees may impose fines and Fines imposed.

imprisonment, or both, for any breach of their ordinances, but no fine shall be imposed on any one person, for any one breach of ordinance, of more than one hundred dollars, and no imprisonment for any one breach of ordinance for more than thirty days. Said fines may be recovered before any Justice of the Peace having his office within the corporate limits of the town, or before the Town Recorder, by suit in the name of the Town of Felton, and collected by execution, or in such manner as fines imposed by laws of the State are collected. All fines collected in pursuance of this Act shall, by the officer collecting the same, be paid over to the Town Treasurer, and a receipt taken for the same, and for any omission to do so such officer may be proceeded against on his official bond in the name of the Town of Felton, in the manner authorized by law on the failures of officers to pay over money collected when so required.

**Land held for public use.** SEC. 10. The Board of Trustees may receive and hold property, real and personal, within said town, for public purposes; *provided*, that the Trustees may receive and hold lands and other property outside of the corporate limits for cemetery purposes and for the purpose of supplying the town with pure water, and have the same jurisdiction and control over such property as if situated within the limits of this town.

**Contracts, to whom let.** SEC. 11. All contracts for building, or repairing, or other work, or furnishing material, which the Trustees are authorized to make for the town, shall be by them let to the lowest responsible bidder. Before making any contract for building, repairing, or any other work, or furnishing material, the Trustees shall first advertise for sealed proposals, for at least two weeks, in a newspaper published in the county, or by posting notices; and all proposals shall be opened in the presence of the bidders. No Trustee shall be interested in any contract, directly or indirectly.

**Advertisement.** SEC. 12. If at any time the owners of three-fourths of the real estate fronting on any street or public ground, counting from one cross street to the next, shall petition the Board of Trustees for the privilege of repairing, grading, planking, graveling, or paving any street or sidewalk along the same, then it shall be the duty of the said Trustees to cause an immediate survey of the proposed improvements to be made by some competent surveyor, who shall, in his specifications, give the proper grade and amount of excavating or filling in front of such real estate; or if the improvements only extend to the sidewalk, then he shall give the grade and amount of excavating or filling of the sidewalks. If the Board of Trustees approve the survey and specifications, they shall order said improvements to be made, as petitioned, and shall make an assessment of the costs thereof to each of the persons owning real estate on either side of said street, alley, or public ground, and the same shall constitute a lien on such real estate until such assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making his improvements in accordance with the specifications and within the time mentioned by ordinance; but if

**Petition for improvements.**

**Approval of survey.**

not so made then it shall be the duty of the Marshal forthwith to let out, in the manner provided by ordinance, the making of such improvements as remain unfinished; and if the owners of such real estate shall fail, or neglect, or refuse to pay the costs of the same when completed, it shall be the duty of the Marshal, by order of the Trustees, to institute suit, in the name of the town, against said owner for the recovery of said costs; and the judgment rendered thereon shall constitute a lien upon said real estate, and execution may be issued thereon and may be served as in other civil cases. The Trustees may require all streets, after such improvements have been made, to be kept in good repair by the owners of said real estate, and if not repaired when ordered by the Marshal, the Trustees shall let out the making of such repairs and collect the costs of the same in the manner named above; *provided*, that the cost of the survey and specifications may be paid out of the General Fund of the town.

Duty of Marshal.

Streets to be kept in repair.

SEC. 13. The Trustees shall fix by ordinance each year the amount of taxes to be levied and collected for current expenses.

SEC. 14. The Board of Trustees shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and filed with the Town Clerk his assessment, and after ten days' notice, hold their meeting to hear and determine all complaints respecting the valuation of property, and shall have power to modify and change such valuation of property in any way a majority of them shall deem just. Said meeting shall be held for two days and no longer. Said Board shall receive a compensation not to exceed three dollars each for each day's session, to be paid as other expenses of the town.

Board of Equalization.

Compensation.

SEC. 15. The Marshal, Treasurer, Assessor, Clerk, and Recorder, before entering upon their respective offices, shall take the oath of office prescribed by law, and also give a bond and sureties, to be approved by the Board of Trustees, payable to the Town of Felton, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their respective offices as required by law. Should the bond of any town officer become insufficient, he shall be required to give additional security within ten days, as the Board of Trustees may require, not exceeding the amount required by ordinance. Upon his failure to do so at the time fixed, his office shall be declared vacant and filled by appointment by the Board of Trustees.

Officers to take oath and give bond.

SEC. 16. If any vacancies occur in the offices of Trustee, the same shall be filled by special election, called for that purpose; *provided*, that the Trustees may appoint to fill the vacancy, if the time be less than two months to the general election of Trustees.

Vacancy.

SEC. 17. Should any officer herein mentioned fail to qualify and give the required bond, for ten days after receiving notice of his election or appointment, the office shall be declared vacant and filled as provided in this Act.

Failure to qualify.

SEC. 18. The official bond of every officer named in this

Act shall be filed with the President of the Board of Trustees.

Duty of  
President  
of Board.

Penalty for  
failure or  
neglect.

SEC. 19. The President of the Board of Trustees shall preside over all meetings of the Board of Trustees, and shall sign all warrants drawn on the treasury. He shall make a semi-annual report and statement, on or before the first Monday in January and June of each year, of the receipts and expenditures of the preceding half year, and specify upon what account such expenditure was made and had, and cause the same to be published. If he shall fail or neglect to make and cause such statement to be published, at these times, he shall forfeit for such neglect the sum of one hundred dollars, to be recovered in any Court of competent jurisdiction, one-half of which shall go to the General Fund of the town, and the other half to the benefit and use of the person who may bring suit for the collection of said forfeiture; *provided*, that, in absence of the President, a President pro tem. may be chosen who shall act as President for the day only.

SEC. 20. Nothing in this Act is to be construed to interfere with the keeping of the county roads in good repair, and building the necessary bridges or fixtures within the town limits, by the Board of Supervisors of Santa Cruz County, and they are not released from that duty.

Demands,  
how paid.

SEC. 21. All demands that shall lawfully arise against the town, to be entitled to payment, shall be presented to and allowed for such amount as shall be deemed just by the Board of Trustees, and no bill, demand, or warrants shall be paid out of the town treasury, unless the same shall have been allowed by the Board of Trustees, and signed by the President of the Board and countersigned by the Clerk, and shall be paid by the Treasurer in the order of their issue.

Duty of  
Clerk.

SEC. 22. It shall be the duty of the Town Clerk, in addition to any duties required of him by the Board of Trustees, to attend all the meetings held by the Board. He shall keep a correct journal of their proceedings, and on receiving the official returns of charter elections held for any town officer, shall, without delay, after the result has been declared by the Board of Trustees, notify the person elected, and shall draw all warrants on the town treasury and countersign the same, and shall receive such compensation as the Board of Trustees may deem just.

Duty of  
Marshal.

SEC. 23. It shall be the duty of the Town Marshal, in addition to any duties required of him by the Board of Trustees, and he is hereby authorized to execute and return all processes issued duly by the Recorder's Court, or by any other legal authority, when directed to him, to enforce the ordinances passed by the Board of Trustees, and arrest all persons guilty of violation of the same: and every citizen shall, under a penalty of not less than twenty dollars and not more than fifty dollars for each and every offense, lend aid and assistance when called upon by the Marshal in the arrest and conveyance of a person or persons disturbing the peace or violating any of the town ordinances; to collect all licenses and taxes that shall at any time be due the town; to receive the tax list, and upon receipt thereof to proceed



and collect the same at the same time and manner as described by ordinance, the Marshal being hereby vested with the same power to make collections as is or shall be conferred on Collectors or Sheriffs for the collection of State and county taxes; and it shall be the duty of said Marshal to collect in the same manner any tax list placed in his hands for that purpose, without any unnecessary delay, and pay all the taxes and licenses to the Town Treasurer monthly, taking his receipt for the same. He shall receive a compensation fixed by the Board of Trustees. The Town Marshal is also vested with all the powers conferred by law upon Constables, and shall receive the like fees for like services, to be paid in like manner. Compensation.

SEC. 24. It shall be the duty of the Town Recorder, and he is hereby authorized and required to take cognizance of all offenses against the laws of the State and of all breaches of town ordinances, and shall have like criminal and otherwise legal jurisdiction as now or hereafter may be conferred on Justices of the Peace. He shall be entitled to receive the same fees as are allowed Justices of the Peace for like services, and all fines imposed by the Town Recorder or Justices of the Peace and collected for any breach of the peace, or violation of any town ordinance, shall be paid by the officer collecting into the town treasury for the use and benefit of the town. Duty of Recorder.

SEC. 25. It shall be the duty of the Town Treasurer to receive and safely keep all moneys that shall come into the town treasury, and pay out the same on the order of the Board of Trustees, signed by the President and countersigned by the Clerk, and keep said orders as a receipt thereof, and to perform such other duties as the Board may require of him, and shall receive no compensation. He shall make a quarterly statement of receipts and expenditures, verified by his oath, and file the same with the Town Clerk, and at the end of his official term deliver over to his successor in office all moneys, books, papers, and other property in his possession belonging to the office. Duty of Treasurer.

SEC. 26. It shall be the duty of the Town Assessor, in addition to other duties required of him by the Board, between the first Monday in May and the first Monday in August of each year, to make out a true list of all taxable property within the limits of said town, which list, certified by him, shall be placed in the hands of the Board of Trustees for equalization. The modes of making out such list shall be the same as that prescribed by law for assessing State and county taxes, and shall receive for his services such sum as shall be fixed by ordinance, not to exceed three dollars for each day's labor, to be paid as other claims against the town. Duty of Assessor.

SEC. 27. This Act shall take effect and be in force from and after its passage. Compensation.

CHAP. CXLVII.—*An Act making an appropriation for deficiency in the expenses of the State Prison.*

[Approved March 8, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation authorized.

SECTION 1. The sum of one hundred and ten thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated for deficiency in the support of the State Prison, for the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, up to the first day of July, eighteen hundred and seventy-eight.

SEC. 2. The Controller is hereby authorized to draw his warrants in favor of the Directors of said Prison, in sums as may be called for by them, under and in pursuance of law, and the Treasurer is hereby authorized to pay the same.

SEC. 3. This Act shall take effect immediately.

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CHAP. CXLVIII.—*An Act amendatory to an Act entitled "An Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley," approved April fifteenth, eighteen hundred and sixty-one, approved February sixth, eighteen hundred and sixty-four, approved March twenty-fourth, eighteen hundred and sixty-six.*

[Approved March 8, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Extension of provisions of Political Code.

SECTION 1. Section thirty-three of said Act is hereby amended so as to read as follows: Section 33. The provisions of the Political Code of this State providing a revenue for State and county purposes, in so far as the same are or may be applicable to the levying, assessment, and collection of all taxes and assessments on real and personal property, and of all poll and road taxes, and licenses levied and assessed by virtue of any ordinances of the Board of Trustees of the Town of Grass Valley, shall be and the same are hereby extended to all cases arising under such ordinances.

SEC. 2. Section forty of the Act approved March twenty-fourth, eighteen hundred and sixty-six, entitled "An Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley," is hereby repealed, in so far as the same affects or relates to the Town of Grass Valley.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CXLIX.—*An Act for the relief of Cook, Talcott, and Andrew Onderdonk.*

[Approved March 8, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Board of State Harbor Commissioners are authorized to adjust, audit, and pay out of the Harbor Improvement Fund, such amount as Cook, Talcott, and Andrew Onderdonk may be equitably entitled to for work done and materials furnished in the construction of the new slips at the foot of Market Street in San Francisco; *provided*, the amount does not exceed the sum of five thousand seven hundred and twenty-two and fifty one-hundredths dollars (\$5,722 50). Payment of claim.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CL.—*An Act for the relief of Charles Dukes, J. D. Billingsley, D. Malloch, William Kincaid, Stacy Taylor, A. M. Abbey, and M. S. Merrill, all of the County of Tulare.*

[Approved March 8, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Board of Supervisors of the County of Tulare are hereby authorized, empowered, and directed to pay to Charles Dukes, J. D. Billingsley, D. Malloch, William Kincaid, Stacy Taylor, A. M. Abbey, such sum as they may deem reasonable for their services as jurors on the Coroner's inquest in the matter of the inquisition upon the body of Martin Pendergast; and also to M. S. Merrill, for services rendered as guide in said matter. Compensation allowed.

SEC. 2. The claim of said parties shall be paid by warrant drawn on the General Fund of said county.

SEC. 3. This Act shall take effect immediately.

CHAP. CL.—*An Act to confer further powers on the Board of Directors of the California Institution for the Education of the Deaf, Dumb, and the Blind.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Directors of the California Institution for the Education of the Deaf, Dumb, and the Blind are hereby Powers conferred on Board.

authorized to waive any and all stipulations of forfeiture contained in the contract heretofore made between them and one W. E. Boone for the erection of certain buildings; *provided*, said buildings are completed to the satisfaction of said Directors, and according to contract in all respects except as to time for the completion of the same.

SEC. 2. This Act shall take effect immediately.

CHAP. CLII.—*An Act for the relief of Edward C. Kirby and John Burke.*

[Approved March 9, 1878.]

Provisional.

WHEREAS, Michael Dunn was charged, at the City and County of San Francisco, with the crime of assault with intent to commit murder upon the person of one John Griffin, and gave bail in the sum of six thousand dollars, by a written undertaking, with Edward C. Kirby and John Burke as sureties, and thereafter fled the jurisdiction of the Courts of the State of California in and for the said city and county; and whereas, thereafter the said John Griffin did die, and the said Michael Dunn was thereupon indicted for the crime of murder, which said indictment was duly transferred for trial to the District Court of the Fourth Judicial District of the State of California in and for the City and County of San Francisco, in which said Court the said indictment ever since has been and now is pending; and whereas, the said Dunn did not appear for trial therein upon the said indictment, and by reason thereof his said bail was, by the said District Court, declared forfeited; and whereas, the said bail, to wit, the said sureties on said undertaking, have recaptured the said Michael Dunn and duly surrendered him to the Chief of Police and the Sheriff of said city and county, who now have him in custody ready to answer said indictment; and whereas, the said District Court, from lapse of time, has no power to set aside said forfeiture; now, therefore,

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Release from liability.

SECTION 1. The said Edward C. Kirby and John Burke, and each of them, are hereby released and discharged from all liability as sureties on said undertaking of bail.

SEC. 2. Said sureties, and each of them, may plead such release and discharge in any action heretofore or hereafter to be brought on said undertaking as a full and complete defense thereto.

SEC. 3. This Act shall take effect immediately.

CHAP. CLIII.—*An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Any artesian well which is not capped, or furnished with such mechanical appliance as will readily and effectively arrest and prevent the flow of water from such well, is hereby declared to be a public nuisance. The owner, tenant, or occupant of the land upon which such well is situated, who causes, permits, or suffers such public nuisance, or suffers or permits it to remain or continue, is guilty of a misdemeanor.

SEC. 2. Any person owning, possessing, or occupying any land upon which is situated an artesian well, who causes, suffers, or permits the water to unnecessarily flow from such well, or to go to waste, is guilty of a misdemeanor.

SEC. 3. An artesian well is defined, for the purposes of this Act, to be any artificial well the waters of which will flow continuously over the natural surface of the ground adjacent to such well at any season of the year.

SEC. 4. Waste is defined, for the purposes of this Act, to be the causing, suffering, or permitting the waters flowing from such well to run into any river, creek, or other natural water-course or channel, or into any bay, lake, or pond, or into any street, road, highway, or upon the land of any person other than that of the owner of such well, or upon public lands of the United States or of the State of California, unless it be used thereon for the purposes and in the manner that it may be lawfully used upon the land of the owner of such well; *provided*, that this section shall not be so construed as to prevent the use of such waters for the proper irrigation of trees standing along or upon any street, road, or highway, or for ornamental ponds or fountains, or the propagation of fish.

SEC. 5. Any person violating any of the provisions of this Act may be proceeded against for a misdemeanor in any Justice's Court of the county in which such well is located, and shall, upon conviction, be fined for each offense not less than ten or more than fifty dollars. There shall also, upon conviction had, in addition to such fine, be taxed against such party the cost of prosecution. Such fine and costs may be collected as in other criminal cases, and the Justice may also issue an execution upon the judgment therein rendered, and the same may be enforced and collected as in civil cases.

SEC. 6. It shall be the duty of the Supervisors or Roadmasters, on complaint of any citizen within their respective districts, and for that purpose may at all proper times enter upon the premises where such well is situated; and it shall be his duty to institute, or cause to be instituted, criminal action for all violations of the provisions of this Act, or for all public offenses defined in this Act committed within such district.

Repeal.

SEC. 7. An Act entitled "An Act to regulate the use of artesian wells and to prevent the waste of subterranean waters in Santa Clara and Los Angeles Counties," approved March eighteenth, eighteen hundred and seventy-six, and all other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. [8.] This Act shall not apply to artesian wells in the County of San Bernardino.

SEC. 9. This Act shall take effect and be in force on and after the first day of July, A. D. eighteen hundred and seventy-eight.

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CHAP. CLIV.—[See volume of *Amendments to the Codes*.]

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CHAP. CLV.—*An Act to fix the amount of the bond of the Tax Collector of Marin County.*

[Approved March 9, 1873.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Amount of  
bond fixed.

SECTION 1. The bond of the Tax Collector or ex officio Tax Collector of Marin County shall be fixed from time to time by the Board of Supervisors of said county in such sum as the Board may deem necessary; *provided*, that such bond shall not be fixed in a less sum than fifty thousand dollars, nor in a greater sum than one hundred thousand dollars.

Duty of  
Board.

SEC. 2. The Board of Supervisors of Marin County shall, at their next regular meeting after the passage of this Act, make an order fixing the amount of the bond of the Tax Collector of said county, and the Tax Collector of said county shall, within thirty days after said order, give a bond in the sum fixed by the Board of Supervisors of said county, with sufficient sureties, and approved by the proper officers of Marin County, as provided by law.

SEC. 3. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed, so far as they apply to the County of Marin.

SEC. 4. This Act shall take effect and be in force from and after its passage.

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CHAP. CLVI.—[See volume of *Amendments to the Codes*.]

CHAP. CLVII.—*An Act legalizing the State and county tax and assessments in the County of Nevada, in eighteen hundred and seventy-seven and eighteen hundred and seventy-eight.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. No irregularity, informality, or error in the description of the property, or other informality in the assessment for State and county taxes made by the Assessor in the County of Nevada, for the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, if it can be ascertained by competent evidence what is intended, shall invalidate such assessment, but the same, notwithstanding such informality, irregularity, or errors, are hereby made good and valid, and the acts of the County Board of Equalization of said Nevada County in raising or reducing any and all of such assessments for said years are hereby ratified and confirmed.

SEC. 2. The Tax Collector of the County of Nevada must, immediately after the passage of this Act, pay into the county treasury of said county all moneys paid to him under protest, to be immediately apportioned to the State and county according to law.

SEC. 3. This Act shall take effect immediately.

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CHAP. CLVIII.—[See volume of *Amendments to the Codes.*]

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CHAP. CLIX.—[See volume of *Amendments to the Codes.*]

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CHAP. CLX.—*An Act regulating the powers of the Boards of Supervisors of the County of Placer.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Boards of Supervisors of the County of Placer shall not have the power to employ any attorney or counsel to prosecute or defend any action or proceeding in

which the county is a party or interested, without the written consent of the District Attorney.

SEC. 2. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CLXI.—*An Act to fund certain indebtedness of Tulare County.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Outstanding warrants, how funded. SECTION 1. The Board of Supervisors of the County of Tulare are hereby authorized to fund all outstanding warrants legally drawn prior to November the twenty-ninth, A. D. one thousand eight hundred and seventy-six, on the Treasurer thereof, payable out of the Road Fund of said county, by issuing bonds in payment thereof, payable in fifteen years from the first day of January, A. D. one thousand eight hundred and seventy-nine, bearing interest at the rate of seven per cent. per annum, payable annually on the first day of January in each year.

Bonds prepared. SEC. 2. Within sixty days after the passage of this Act the Board of Supervisors of said county shall cause bonds for said warrants to be prepared of the denomination of five hundred dollars each. Every holder of county road warrants legally drawn prior to the twenty-ninth day of November, eighteen hundred and seventy-six, may present the same to said Board of Supervisors within six months from the passage of this Act, in order that the same be canceled, and bonds to the amount of such warrants, with interest thereon, issued in lieu thereof to the holder. It shall be the duty of said Board of Supervisors to issue bonds for said warrants; said bonds to be styled Tulare County Road Fund Bonds, and shall be signed by the Chairman and Clerk of said Board of Supervisors, and countersigned by the Auditor and stamped with the seal of his office. Said bonds shall also have coupons attached for the interest. The first coupon shall be for the interest accrued up to the first day of January, A. D. eighteen hundred and seventy-nine, and the others for one year's interest each thereafter, consecutively numbered, and bear on its face the number of its bond, the date when it will be due, and the amount of interest to be paid, and shall be signed in like manner as the bonds. The warrants for which bonds shall be issued shall be canceled immediately after issuing bonds therefor.

Presenta- tion of road warrants.

Bonds issued.

Cancellation.

Interest tax levied. SEC. 3. For the purpose of paying the interest on the bonds, the Board of Supervisors shall, at the time of levying the State and county taxes for each year, levy a special tax on all taxable property in the county sufficient to pay the



interest on all bonds then outstanding as the same shall fall due. The tax thus levied shall be assessed and collected as other county taxes are, and set apart as a special fund, to be known as the Road Bond Interest Fund, and out of this fund the coupons on the bonds shall be paid as they become due and payable.

SEC. 4. All bonds issued under the provisions of this Act shall bear the date of their issuance, numbered one and upwards, consecutively, and may be paid by said county at any time after ten years from the first day of January, A. D. eighteen hundred and seventy-nine, in the manner herein-after provided.

SEC. 5. In and for the year eighteen hundred and eighty-nine, and each year thereafter until the whole of the bonds are paid, the Board of Supervisors shall levy and cause to be collected a special tax sufficient to pay twenty per cent. of the whole issue of the bonds herein provided for; and the tax thus levied and collected shall be set apart as a special fund, to be known as the Road Bond Redemption Fund, and used exclusively for the payment of said bonds. Redemption tax.

SEC. 6. The Clerk of the Board of Supervisors and the County Auditor and Treasurer shall each keep a register of all bonds issued under the provisions of this Act, showing the number and denomination of said bonds, the date of their issue, and to whom issued.

SEC. 7. The bonds provided for in this Act shall be paid in the order of their number, and all coupons and bonds, when paid by the Treasurer, shall be canceled and returned to the Auditor in the same manner that county warrants are. Payment of bonds, how made.

SEC. 8. The bonds and coupons shall be made payable at the Treasurer's office of Tulare County.

SEC. 9. Whenever there is money in the treasury to pay any of the bonds, as provided for in section five of this Act, the Treasurer shall advertise in some newspaper published in said county that he is ready to pay certain bonds, designating them by number. Said notice shall be for four weeks, and if the bonds described in said notice is not presented for payment within sixty days from the first publication of such notice the interest thereon shall cease. Treasurer to advertise.

SEC. 10. All necessary expenses attending the printing and preparation of the bonds provided for in this Act shall be paid out of the old Road Fund, if there is a sufficient amount in said fund, if not, then the balance may be paid out of the County General Fund of said county. Expenses, how paid.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. CLXII.—*An Act to define the powers of the Board of Supervisors of the City and County of San Francisco, with reference to contracts.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Publication  
of advertise-  
ments,

SECTION 1. Advertisements published by order of the Board of Supervisors of the City and County of San Francisco, calling for bids, shall be published in three daily papers (including the official paper), for a period not less than five days. All bids shall be received under such guarantees, or deposits of money, and subject to such conditions as the Board of Supervisors may prescribe.

SEC. 2. Contracts shall be awarded to the lowest bidder.

SEC. 3. If, for any cause, the said Board of Supervisors reject the lowest bid, the said Board shall re-advertise for proposals *de novo*.

SEC. 4. This Act to take effect on the sixtieth day after its passage.

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CHAP. CLXIII.—[See volume of *Amendments to the Codes*.]

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CHAP. CLXIV.—[See volume of *Amendments to the Codes*.]

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CHAP. CLXV.—[See volume of *Amendments to the Codes*.]

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CHAP. CLXVI.—[See volume of *Amendments to the Codes*.]

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CHAP. CLXVII.—[See volume of *Amendments to the Codes*.]

CHAP. CLXVIII.—*An Act to authorize the Controller and Treasurer of State to transfer certain funds.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Controller and Treasurer of State are hereby authorized to transfer the balance remaining to the credit of the State Capitol Fund, the State Normal School Building Fund, the Military Fund, and the Special Insane Asylum Fund to the General Fund. Transfer of funds.

SEC. 2. Whenever the holder of any warrant drawn on either of the funds mentioned in section one of this Act, that has been canceled under the provisions of section five of an Act entitled an Act prescribing certain duties to be performed by the State Controller, State Treasurer, and State Board of Examiners, approved February twentieth, eighteen hundred and seventy-two, demands such warrant from the Controller, it shall be the duty of the Controller to issue a new warrant for the same amount, in the name of the same person, and payable out of the General Fund. Duty of Controller.

SEC. 3. All money hereafter paid into the State treasury, arising from delinquent property tax which, under existing laws, would be placed in the funds mentioned in section one of this Act, must be placed in the General Fund. Disposal of certain money.

SEC. 4. This Act shall take effect immediately.

CHAP. CLXIX.—*An Act to ratify and confirm ordinance number sixty-four, passed by the City Council of the City of Stockton and approved by the Acting Mayor of said city on the eighth day of December, A. D. eighteen hundred and seventy-seven.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Whereas, the City Council of the City of Stockton passed an ordinance, which was approved by the Acting Mayor of said city on the eighth day of December, A. D. eighteen hundred and seventy-seven, which ordinance is in words and figures following: Ordinance number sixty-four, authorizing the receipt and disposal of certain lands. The Mayor and City Council of the City of Stockton do ordain as follows: Section 1. The City of Stockton hereby agrees to receive from R. B. Lane a deed in due form of law, conveying to the City of Stockton that certain piece, parcel, or tract of land situate, lying, and being in the said City of Preamble.  
Agreement.

Stockton, and known and described on the official maps and plats thereof as being that certain portion of block number nine and one-half, south of Mormon Channel, described as follows, viz.: Commencing for the same at a point on the northeast corner of lot number three, in said block number nine and one-half, south of Mormon Channel, and running thence north one hundred feet to the northeast corner of said block; thence west one hundred feet; thence southeasterly in a direct line to the point of beginning. Section 2. The President of this Council, as Acting Mayor of said City of Stockton, is hereby authorized to receive said deed, and to cause the same to be recorded in the office of the County Recorder of San Joaquin County, State of California, Section 3. In consideration of the execution and delivery of said deed by said Lane, and of the corporate benefit thereby secured, the City of Stockton hereby agrees to convey to the said R. B. Lane, by proper deed, the following piece, parcel, or tract, of block number five, south of Mormon Channel, in said City of Stockton, and described as follows, viz.: Commencing for the same at a point on the northeast corner of lot number five, in said block number five, south of Mormon Channel; thence running south one hundred feet to the northwest corner of lot number fifteen, in said block number five; thence easterly along the north line of said lot number fifteen one hundred feet; thence northwesterly in a direct line to the point of beginning. The conveyance by the City of Stockton, in section three hereof named, shall be executed in the corporate name aforesaid, and have the seal of the corporation thereto affixed; and the President of this Council, as Acting Mayor of said city, is hereby empowered and directed to affix the corporate name and the common seal aforesaid to such deed, and to acknowledge and deliver the same to said R. B. Lane, and the said deed shall be in all other respects sufficient to pass the title of the City of Stockton in and to the premises described therein to the grantee aforesaid. Passed the third day of December, A. D. eighteen hundred and seventy-seven. J. Salz, President of City Council, Acting Mayor; Julius Steiny, City Clerk. It is therefore enacted that said ordinance is hereby ratified and confirmed, and that the conveyance made under and pursuant to the terms of said ordinance, and the exchange of real property therein provided for, are hereby ratified and confirmed.

CHAP. CLXX.—*An Act to amend an Act entitled an Act to widen English Street, in the City of Petaluma, and to take private lands therefor, approved March twenty-fifth, eighteen hundred and seventy-six.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of said Act is hereby amended to read as follows: Section 1. The Board of Trustees of the City of Petaluma shall have power to determine, by order, to widen English Street, from Main Street to Howard Street, to a uniform width of seventy (70) feet, and Western Avenue, from Howard Street to the city limit, to a uniform width of seventy-two feet six inches, and that it will be necessary to take private lands for that purpose, and for that purpose shall enter in their minutes a resolution or ordinance declaring such determination, containing a description of the lands so deemed necessary, and also all that part of said City of Petaluma which they adjudge will be benefited by said improvement and which ought to bear the expense thereof. Such descriptions to be made with like certainty, as is required by law in complaints in actions in ejectments, to refer to all such lands by the numbers of the lots of which they are composed or form a part, as the same are laid down upon the official map of said city. Such resolutions or ordinance of their intention shall be published for two successive weeks, in a newspaper published in the Town of Petaluma, with notice to all parties interested to file remonstrances with the City Clerk on or before the day of the next regular meeting of the Board of Trustees.

Street to be widened.

Publication of resolutions.

SEC. 2. Section six of said Act is hereby amended to read as follows: [Section 6.] The said Commissioners shall be sworn to faithfully discharge their duties according to the provisions of this Act. They shall proceed to view the lands and tenements mentioned and described in the notice, ordinances, resolutions, and map aforesaid, and may examine witnesses on oath, to be administered by either of them, and shall keep minutes of the testimony so taken. They shall appraise the damages which the owner or owners, or those having a less than freehold estate of the lands and tenements to be taken for such public improvement, will severally receive by being deprived thereof, and shall assess and apportion the whole amount of such damages, together with the costs and charges of said Board of Trustees, and the costs of said proceedings in Court, and of said Commission, to be taxed and allowed by the said Court upon the owners of lands and tenements within the territory deemed by the resolution and ordinance of said City Board of Trustees to be benefited by such improvement, as near as may be in proportion to the benefit which each shall be deemed to acquire by the making thereof; *provided*, that no damage shall be allowed for the injury or removal of any building

Duty of Commissioners.

erected on any of said lands after the filing of said map; and provided further, that all proceedings instituted or to be instituted under and by virtue of this Act shall be continued or commenced in the Twenty-second Judicial District.

SEC. 3. This Act shall take effect immediately.

CHAP. CLXXI.—*An Act to fix the salary of the Superintendent of Public Schools in the County of Calaveras.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Salary of  
Superin-  
tendent.

SECTION 1. The Superintendent of Public Schools in the County of Calaveras shall receive the sum of four hundred dollars per annum as his salary as Superintendent, and a further sum of one hundred dollars for traveling expenses in visiting the schools of said county, which shall be in full for all services rendered by him as such Superintendent.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force on and after the first Monday of March, A. D. eighteen hundred and eighty.

CHAP. CLXXII.—*An Act in relation to road, poll, and property tax in the Town of Crescent City, in Del Norte County.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Taxes, how  
levied and  
collected.

SECTION 1. The Town of Crescent City, in Del Norte County, for the purposes of levying and collecting road, poll, and property tax, shall not be deemed to be an incorporated town or city, within the meaning of section two thousand six hundred and sixty-four of the Political Code, but road and poll taxes shall be levied and collected in said town in the manner provided for places in the State not incorporated.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act is hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAP.—CLXXIII.—*An Act to provide for the building of a school house in the Fresno City School District, in the County of Fresno, State of California.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Board of Trustees of Fresno City School District, in the County of Fresno, State of California, must, as soon as is expedient after the passage of this Act, cause to be advertised, in one or more newspapers published in this State, a notice, for at least the period of twenty days, that said Board will receive plans and specifications, at a time and place therein mentioned, for a school house to be built in the Town of Fresno City, Fresno City School District, in said county, the Board reserving the right to reject any and all of the plans and specifications presented by any architect for the construction of said school house. And in the event of the adoption of any plan and specification presented said Board may allow such architect such compensation for the same as shall be reasonable.

Advertisement for plans and specifications.

SEC. 2. Immediately after the adoption of the plans and specifications for said school house, said Board of Trustees must cause to be advertised in one or more newspapers published in this State a notice, for the period of at least twenty days, that said Board will receive sealed proposals and bids, at a time and place therein designated, for the building of said school house in the Town of Fresno City, in said district, in accordance with the plans and specifications adopted; the Board reserving the right to reject any or all of the proposals and bids for the construction of said school house which, in its judgment, may be too high in price; and in the event of the acceptance of any of the proposals and bids of any person or persons for the building of said school house, said Board must award the contract to build said school house to such contractor, on his furnishing a good and sufficient bond in double the amount of his bid, conditioned to perform said contract in a skillful and workmanlike manner, and in strict conformity with the plans and specifications. Said bond must be approved by the County Judge of said County of Fresno.

Advertisement for proposals.

Bond of contractor.

SEC. 3. The Board of Trustees may, if they deem it necessary, employ an attorney at law, whose duty it shall be to advise them upon all matters arising under this Act, and to draw up the contract for the erection of said school house, and they are hereby authorized to pay such attorney a reasonable compensation for his services.

Employment of attorney.

SEC. 4. Immediately after awarding the contract for the building of said school house the said Board of Trustees must appoint a skillful person to superintend the construction of said building, whose duty it shall be to see that the material used in the construction of the same is of the kind and quality contracted for, that the work thereon is done in a good, skillful, workmanlike manner, and generally that all

Superintendent appointed.

the provisions of the contract relating to the erection of said building are faithfully carried out, and the said Board is hereby authorized to pay to the said Superintendent a reasonable compensation for his services.

SEC. 5. Said school house shall be erected on a portion of such block in the Town of Fresno City as may be selected.

Issuance  
of bonds.

SEC. 6. The said Board of Trustees is hereby authorized to issue the bonds of said district in a sum not to exceed fifteen thousand dollars, payable in annual installments of not less than one thousand dollars on the principal, on the second Monday in January of each year after the issuance thereof, until the whole of such bonds are paid. Said bonds shall bear interest from the date of their issuance at the rate of ten per cent. per annum, payable semi-annually, on the second Monday of January and July of each year after their issuance. The principal and interest of said bonds shall be payable in gold coin, at the office of the County Treasurer of said county. Said bonds must be issued in denominations of one hundred and five hundred dollars each. They must be numbered consecutively and signed by the Clerk of said district, by the Superintendent of Public Schools of said county, and countersigned by the County Treasurer of said county. Each of said bonds must have attached thereto coupons for the interest to accrue thereon. In the first coupon on each bond a sum must be inserted for the amount of interest to accrue on such bond from the date of issuance until the next date herein fixed for the payment of such interest. Each of the other coupons must have inserted therein a sum representing the full semi-annual interest on each bond. Said coupons must be numbered on each bond from one consecutively, and must each be signed and countersigned in the same manner as the bonds. The District Clerk, County Superintendent of Public Schools, and County Treasurer must each keep a list of said bonds, showing the amount of bonds issued, their number, and the sum for which each bond is issued, the date of issuance, and the name of the person to whom issued; which list, during office hours, shall be open for the inspection of the public. Said bonds, from the time they are issued until paid as herein provided, shall be a lien upon all the property in said district as now constituted.

Denomina-  
tion of  
bonds.

Officers to  
keep list of  
bonds.

Redemption  
of bonds.

SEC. 7. During the first week in December in each year, after the issuance of said bonds, the Board of Trustees shall cause to be advertised for the period of at least two weeks, in one or more newspapers published in the Town of Fresno City, a notice calling for sealed proposals from the holders of said bonds for the surrender of such an amount of said bonds as there may be money in the treasury to redeem. On the day specified in the notice, at twelve o'clock m., the Board of Trustees shall meet at the office of the District Clerk to consider the proposals received, and then must make an order for the redemption of the bonds offered for the least sum below their par value, to the extent of the money in the treasury for that purpose; *provided*, no bids for more than the par value of any of said bonds shall be



received under any circumstances; *provided further*, if, upon the day specified in such notice, no bid for the surrender of any bonds, or of a number insufficient to exhaust the money in the treasury available for the redemption, is received, then the said Board is hereby authorized and required to order to be paid such number of the outstanding bonds, the first on the list of the District Clerk, at their par value, as the money in the treasury, applicable thereto, will redeem; and within one week thereafter they shall cause said order to be published in one or more newspapers, published in the Town of Fresno City, for at least one week; and from the second Monday in January next after the publication of said order, the bonds so ordered to be paid shall cease to bear interest. A copy of said order, certified to by the District Clerk, must be delivered to the County Treasurer on or before the second Monday in January, and on said day the County Treasurer must set apart in the treasury the sum mentioned in said order for the redemption of the bonds therein specified, and he must redeem such bonds if presented to him for payment within ten months from said date; and if not so presented after the expiration of said ten months, the County Treasurer must report such fact to said Board of Trustees, and said Board may thereafter use said money in the treasury, so set apart as aforesaid, for the redemption of other bonds outstanding; and the bonds so ordered to be paid as aforesaid, which have not been presented for payment within said ten months, at the option of said Board of Trustees, need not be paid until all the other outstanding and interest-bearing bonds have been paid. All bonds and coupons redeemed shall be canceled by the County Treasurer, and disposed of by him in the same manner as he is by law required to cancel and dispose of the county warrants redeemed by him.

Duty of  
County  
Treasurer.

Cancellation.

SEC. 8. For the purpose of obtaining funds to meet any obligation incurred under the provisions of this Act, the said Board of Trustees is hereby authorized to convert said bonds into money by selling the same to the highest bidder, for cash, after advertising for at least twenty days in one or more daily newspapers published in this State for sealed proposals to purchase said bonds. The Board, in such advertisement, must reserve the right to reject any and all bids for the purchase of said bonds which, in its judgment, may be too low in price, and provide that none of said bonds shall, under any circumstances, be sold at a discount of more than ten per cent. The proceeds derived from the sale of said bonds must be paid into the county treasury, and must, by the County Treasurer, be kept in a separate fund, to be known as the "Fresno City School District Building Fund," and must be used exclusively in the building and furnishing of said school house, and in the purchase and in the improvement of lots belonging to the district, and for the payment of such incidental expenses as are herein expressly authorized, including a sufficient sum to enable the Trustees to maintain, in conjunction with the moneys received from the State and county, school in the several departments for at

Sale of  
bonds

Building  
Fund.

least ten months in each year. The said moneys must be paid on the warrant of the County Superintendent, drawn upon the order of the Board of Trustees, in the same manner as other school moneys are required to be paid.

Election of  
Overseer  
and Tax  
Collector.

When held.

Term of  
office.

Qualifica-  
tion.

Duty of  
District  
Assessor.

SEC. 9. Within three months after the issuance of any bonds under the provisions of this Act, and thereafter in every second year until all the bonds and interest thereon are fully paid, the qualified electors of said Fresno City School District shall elect one District Assessor and one District Tax Collector; *provided*, that it shall be competent for said electors at such election to elect to such offices any elector of said county. The first election of said officers shall be held at such time and place as may be designated by the Board of Trustees. All subsequent elections must be held at the same time as is by law required for the election of School Trustees, and notice of such election must be given. Officers to conduct the same must be appointed, and the same must be conducted in all respects as the law requires for the election of District Trustees, except in this, that the officers conducting said election must, within three days thereafter, make return thereof to said Board of Trustees, and said Board must canvass said election returns, and must issue thereupon certificates of election to the persons having received the highest number of votes cast. The term of office of the person so elected at the first election shall commence upon their reception of a certificate of election, and qualifying as herein provided, and shall continue until the first Monday in July in the second year after their election, and thereafter the term of said officers shall commence on the first Monday in July after their election, and continue for two years and until their successors are elected and qualified. The persons elected to said offices, within ten days after receiving their certificates of election must qualify, by taking the oath of office and executing and filing with the District Clerk an official bond in such a sum as may be fixed by the order of said Board of Trustees. Said bond must be executed in the same manner as other official bonds, and before filing must be approved by the County Judge of said county; *provided*, that if either the County Assessor or the County Tax Collector, or both, are elected to the respective offices of District Assessor and Collector, no additional bond shall be required of them, but they shall be liable on their official bonds as County Assessor or County Tax Collector for the faithful discharge of the duties devolving upon them under the provisions of this Act.

SEC. 10. It shall be the duty of the District Assessor, immediately after his election as such Assessor, and thereafter on the first Monday in July in each year during his continuance in office, to commence making an assessment of all the property in said district, both real and personal, liable to taxation. Such assessment shall be made in the same manner as the assessment for State and county purposes is required to be made by law, and said District Assessor shall, within his district, have and exercise all the powers conferred by law upon County Assessors. Said assessment in

each year shall be finished, and the assessment roll delivered to the Board of Trustees of said District, on the first Monday in September in each year.

SEC. 11. The Trustees, after receiving the assessment roll from the Assessor, must give five days' notice thereof, by posting notices in three public places in said district, and at such times and places as have been named in such posted notices they must sit as a Board of Equalization. Their session, as such, must continue for at least three days and not more than ten days. During their session they must equalize said assessment, and for that purpose they have the same powers as the County Board of Equalization to make any change in said assessment roll. As soon as the work of equalization has been completed, the Trustees must levy a tax upon the property in said district sufficient, in each year, to pay all the interest accruing on all the bonds issued under the provisions of this Act, during the year, and to pay at least one thousand dollars of the principal of said bonds. They also shall compute the rate to be levied, as required by section eighteen hundred and thirty-eight of the Political Code, in relation to other district taxes, and said taxes when so levied shall be a lien upon all the property in said district upon which they are assessed; which lien shall attach, in each year, on the first Monday in July, and shall continue until said taxes are fully paid, or until the property upon which the same has been assessed vests absolutely in a purchaser under a valid sale for the satisfaction of such taxes.

Equalization.

Tax levied.

SEC. 12. Immediately after the levy of the taxes aforesaid, the District Clerk and the Assessor must compute and carry out on the assessment roll the amount of taxes due from each person or each parcel of property assessed, in the same manner as the law requires the Auditor to do in the county assessments, and at the same time at which the law requires the county assessment roll to be delivered to the County Collector the Clerk of the District must deliver to the District Collector the said district assessment roll duly certified to by said Clerk, and he must take a receipt therefor from said Collector, and must charge him with the full amount of the taxes due thereon, and said District Clerk must immediately forward a copy of said receipt, certified to by him, to the County Auditor of said county.

Duty of Clerk and Assessor.

SEC. 13. The District Collector, after receiving said assessment roll, must collect the taxes due thereon from the persons and property assessed, in the same manner and at the same time as the County Tax Collector is by law required to collect State and county taxes, and the taxes remaining unpaid in said district assessment roll shall in each year become delinquent at the same time State and county taxes become delinquent; and on said delinquent taxes the same percentage shall be allowed, and they shall be collected in the same manner as delinquent State and county taxes. For the purpose of collecting said taxes, the District Tax Collector shall have and exercise within said district the same powers that

Collection of taxes.

Powers conferred on District Tax Collector.

by law are conferred upon the County Tax Collector. The District Tax Collector must pay over all moneys collected by him to the County Treasurer, and must make settlement therefor with both the County Auditor and the District Clerk, at the same time and in the same manner as the County Tax Collector is required by law to do in relation to State and county taxes.

Duty of  
County  
Auditor.

SEC. 14. The County Auditor, upon receiving the copy of the receipt of the Tax Collector provided for in section twelve of this Act, must charge the District Collector with the amount of the taxes receipted for, in an account to be kept by him, and thereafter he must keep said District Collector's account and must make settlement with him in relation to said district assessment roll in the same manner as he is required to charge the County Tax Collector and settle with him on account of State and county taxes. And upon receiving from said Collector the Treasurer's receipt for moneys paid him on account of such taxes, the County Auditor must charge the County Treasurer with the amount specified in such receipt.

Redemption  
Fund.

SEC. 15. The County Treasurer must keep all moneys paid him under the provisions of this Act in a separate fund, to be known as the "Fresno City School District Bond Redemption Fund," and the said moneys must be paid out by him to liquidate the interest accruing upon said bonds upon presentation, at the times herein specified, of the coupons therefor, and for the redemption of bonds upon presentation to him of the bonds ordered to be paid as hereinbefore provided by the Trustees of said district, and the said Treasurer must settle with the County Auditor for the moneys received and disbursed by him under this section in the same manner as he is required to settle for county moneys received and disbursed by him.

Salary of  
certain  
officers.

SEC. 16. The District Assessor and District Tax Collector, for the services required of them under the provisions of this Act, shall each receive a salary of one hundred dollars per annum, which shall be payable semi-annually, on the first Monday in July and the first Monday in January, out of the moneys received from county taxes in the Fresno City District School Fund, and on the first Monday in July and on the first Monday in January of each year the Trustees of said Fresno City School District shall audit the salary then due the said Assessor and Collector, and order the same paid; and upon the filing of such order with him, the County Superintendent shall issue his warrant for the amount therein specified, in the same manner as he is required to issue other warrants; and upon presentation of such school warrants, the County Treasurer shall pay the salary of said Assessor and Collector out of the county portion of moneys in the Fresno City District School Fund.

SEC. 17. No other officers, except the Assessor and Collector, charged with any duties under the provisions of this Act, shall be allowed or receive any compensation for such services.

SEC. 18. From the time of the issuance of any bonds, as

hercinbefore authorized, until their payment and redemption, the boundaries of said Fresno City School District, as now constituted, shall not be diminished.

SEC. 19. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXIV.—*An Act concerning road poll tax and hospital poll tax for Tehama County.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Every male inhabitant of the County of Tehama, over twenty-one and under fifty years of age, must annually pay a road poll tax of two dollars; *provided*, the same be paid between the first Monday in March and the first Monday in July, but if not paid prior to the first Monday in July then it shall be three dollars. Road poll tax.

SEC. 2. Every male inhabitant of the County of Tehama, over twenty-one and under sixty years of age, must annually pay a hospital poll tax of two dollars; *provided*, the same be paid between the first Monday in March and the first Monday in July, but if not paid prior to the first Monday in July then it shall be three dollars. Hospital poll tax.

SEC. 3. The road poll tax and the hospital poll tax shall be collected by the Assessor of Tehama County between the first Monday in March and the second Monday in January of the ensuing year. Collection of poll taxes

SEC. 4. The Tax Collector of delinquent State and county taxes of Tehama County shall collect the road poll tax and hospital poll tax that may be delinquent on the second Monday in January of each year.

SEC. 5. The Assessor and Tax Collector shall receive, respectively, the same compensation for collecting road poll tax and hospital poll tax as they do for the collection of the poll tax. Compensation of officers.

SEC. 6. The provisions of sections three thousand eight hundred and forty, three thousand eight hundred and forty-one, three thousand eight hundred and forty-two, three thousand eight hundred and forty-three, three thousand eight hundred and forty-four, three thousand eight hundred and forty-five, three thousand eight hundred and forty-six, three thousand eight hundred and forty-seven, three thousand eight hundred and forty-eight, three thousand eight hundred and forty-nine, three thousand eight hundred and fifty, three thousand eight hundred and fifty-one, three thousand eight hundred and fifty-two, three thousand eight hundred and fifty-three, three thousand eight hundred and fifty-four, three thousand eight hundred and fifty-five, three thousand eight hundred and fifty-six, three thousand eight hundred and fifty-seven, three thousand seven hundred and Provisions of Political Code made applicable.

fifty-eight, three thousand eight hundred and sixty, three thousand eight hundred and sixty-one of the Political Code are hereby made applicable to the collection of road poll tax and hospital poll tax in Tehama County.

Disposal of  
moneys.

SEC. 7. All of the road poll tax and hospital poll tax collected by the officers in this Act authorized to collect the same, less their percentage, must be paid to the County Treasurer of Tehama County, for the County Road Fund and County Hospital Fund, respectively; *provided*, that in the Town of Red Bluff one-half of the road poll tax collected within the limits of said town shall be placed at the disposal of the Town Trustees of the Town of Red Bluff, to be expended by them in the improvement of the streets and alleys thereof.

SEC. 8. All Acts or parts of Acts or laws in conflict with this Act shall not be applicable to Tehama County.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXV.—*An Act to provide for transcribing certain records in the County of Yuba.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Transcribing  
author-  
ized.

SECTION 1. The Board of Supervisors of the County of Yuba are hereby authorized and empowered to have transcribed certain torn and mutilated records of said county, and to pay a fair and reasonable compensation therefor.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLXXVI.—*An Act to legalize the debt contracted in completing and furnishing the school house and fencing the school lot in Fairfield School District, in Solano County, and provide for the payment of the same.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Debt  
legalized.

SECTION 1. The debt of one thousand and twenty-seven dollars incurred in finishing and furnishing the school house and fencing the lot in Fairfield School District, in the County of Solano, is hereby declared a legal debt and liability of said school district, to bear interest at ten per cent. per annum, and to be discharged by money derived from taxation of the property in the same, as hereinafter provided.

SEC. 2. On the last Saturday in April, of the year eighteen hundred and seventy-eight, in the same manner that School Trustees are elected, there shall be elected, by the qualified voters of said Fairfield School District, a District Assessor and Collector (the same person to perform the duties of both offices), who shall hold office until the purposes of this Act are completed. He shall give bond to the Trustees of said school district in the sum of five hundred dollars, for the faithful performance of his duties, and also file with them the oath of office as prescribed by law.

Election of Assessor and Collector.

Bond.

SEC. 3. It shall be the duty of the Assessor elected under the provisions of this Act to assess the taxable property in said Fairfield School District, between the first Monday in May and the first Monday in July, eighteen hundred and seventy-eight, and each and every succeeding year thereafter until the purposes of this Act are completed, in the same manner as other State and county taxes are assessed, and on the second Monday in July of said year file his assessment roll with the Trustees of said school district.

Duty of Assessor.

SEC. 4. The Trustees of said school district, upon receiving the assessment roll from the said Assessor, must proceed in the equalization of the assessment, in accordance with the Political Code, where a tax is voted by the qualified voters in a school district to build a school house.

Equalization.

SEC. 5. As soon as the equalization of the assessment, as provided for in section four of this Act, is completed, the Board of Trustees of said Fairfield School District must levy a tax on the persons or property named in the assessment roll, for the year eighteen hundred and seventy-eight, an amount sufficient to pay seven hundred and fifty dollars of the debt legalized in section one of this Act, together with an amount sufficient to pay for the assessing and collecting the same, not to exceed seventy-five dollars, and for the year eighteen hundred and seventy-nine an amount sufficient to pay the balance of said debt, together with an amount sufficient to pay for assessing and collecting, not to exceed seventy-five dollars.

Tax levied.

SEC. 6. The taxes provided for in this Act shall be collected by the said School District Collector, at the time and in the same manner as county taxes are collected, and in order to make the assessment and collection provided for in this Act, the said District Assessor and Collector is hereby invested with all the powers and subject to the same penalties as the Assessor and Collector of the said county, so far as said powers may be exercised within said school district.

Taxes, how collected.

SEC. 7. The taxes provided for in this Act which shall become delinquent must be returned and collected in the same manner, and by the same persons, as other delinquent county taxes are collected in the said county.

Collection of delinquent taxes.

SEC. 8. The money collected under the provisions of this Act must be paid into the county treasury of said Solano County, and placed to the credit of the Fairfield School District Fund, and paid out on the order of the Trustees of said district for the payment of said debt.

Disposal of money.

SEC. 9. This Act shall take effect immediately.

CHAP. CLXXVII.—*An Act to ratify and confirm certain proceedings of the Board of Trustees of Meridian School District, in the County of Sutter.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Proceedings  
of Board  
ratified.

SECTION 1. The action of the Board of Trustees of Meridian School District, in the County of Sutter, in issuing certificates of indebtedness, under the provisions of section two of an Act entitled an Act to authorize the Board of Trustees of Meridian School District, in the County of Sutter, to borrow money for certain purposes, and to provide for the payment of the same, approved March twenty-ninth, eighteen hundred and seventy-six, which certificates were made payable on or before the first day of January, one thousand eight hundred and eighty, instead of on or before the first day of January, one thousand eight hundred and seventy-nine, as provided in said Act, is hereby ratified, confirmed, and declared valid, and the said certificates of indebtedness so issued are hereby declared valid for all purposes, as if made payable at the time mentioned in said Act, and the same shall be paid in the manner specified in said Act.

SEC. 2. This Act shall take effect immediately.

CHAP. CLXXVIII.—*An Act to protect the Towns of Fresno and Merced City against fire.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Stove-pipes  
to be  
secured, etc.

SECTION 1. It is unlawful for any owner or occupant of any house within the Town of Fresno, in the County of Fresno, as bounded on the maps thereof on file in the County Recorder's office in said county, to have any stove-pipe passing through the sides, ceiling, or roof of such house without having such stove-pipe first inserted in a secure brick flue, or flue of some other non-combustible material.

Constable  
appointed to  
inspect  
houses.

SEC. 2. The Board of Supervisors of said county shall, upon the application of any citizen of said town, appoint one of the Constables of the township in which said town is situate, whose duty it shall be, at least once every month, to inspect all houses within said limits of said town, and file with the Clerk of said Board his written report of his actions, and in case he find any stove-pipes passing through any part of any house therein without being first inserted in a flue as aforesaid, he shall notify the owner or occupant of such house to remove the same or build such flue forthwith; and if any



owner or occupant of such house fail or refuse so to do for one month thereafter, the Constable shall remove the same, and shall be entitled to recover from such owner or occupant a fee of five dollars; and such owner or occupant, if he or she replace said stove-pipe without fixing a flue therefor, as above specified, shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 3. It shall also be the duty of such Constable to notify any owner or occupant of any lot or premises within said town to remove therefrom any rubbish or other combustible material likely to become easily ignited from his or her premises; and in case he or she fail so to do within two days thereafter the Constable shall remove the same, and upon filing with the nearest Justice of the Peace his account for the necessary expenses of such removal, verified by his affidavits, stating the facts, he shall be entitled to recover the amount of such expenses, together with a fee of two dollars.

Combustible materials to be removed.

SEC. 4. This Act shall apply to the Town of Fresno, in the County of Fresno, and Merced City, in the County of Merced.

[SEC. 5.] This Act shall be in force from and after its passage.

CHAP. CLXXIX.—*An Act authorizing a tax for the payment of grand and trial jurors in the County of Alpine.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Alpine County shall annually levy a tax, not to exceed fifteen cents upon each one hundred dollars of taxable property in said county, which tax shall be collected in the same manner and at the same time as other taxes for county purposes, and when paid into the county treasury shall be set apart in a fund to be known as the Jurors' Fund. All warrants for the payment of jurors in criminal cases in Courts of record shall be drawn upon said fund, and no warrant against said fund shall be for a sum in excess of two dollars for each day's service rendered as such jurors.

Tax levied.

SEC. 2. All moneys remaining in said Jurors' Fund on the first day of November, A. D. one thousand eight hundred and eighty-one, and every three years thereafter, shall be transferred to the General Fund of said county.

Transfer of moneys.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CLXXX.—*An Act to authorize the Town of Santa Clara to construct and maintain a "main public sewer," and to provide for paying the costs thereof.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Sewer to be constructed.

Route of sewer.

Condemnation of lands.

Issuance of bonds.

Numbering of bonds.

When payable.

SECTION 1. The Board of Trustees of the Town of Santa Clara is hereby authorized and empowered to construct and maintain a main public sewer for the purpose of the better draining of said town; said sewer to commence at any point on Franklin Street in said town the Board of Trustees of said town may deem most expedient, and run thence in a northerly direction over and along such route as said Board of Trustees may deem the most practical, to a point in what is known as the Brokaw Road, just north of the track of the Southern Pacific Railroad; thence in a northeasterly direction and along the said Brokaw Road to the Guadalupe River; the said sewer to be of such dimensions and constructed of such materials as said Board of Trustees may deem most advisable; and said Board of Trustees is hereby authorized and empowered, in the name of the Town of Santa Clara, by suit in the Twentieth District Court of the State of California, in and for said county, to condemn any and all lands proper or necessary for said sewer. The said Brokaw Road may be used for said sewer without condemnation; *provided*, that said road be restored to as good a condition for public travel as it was before the said sewer was built.

SEC. 2. The Board of Trustees of said Town of Santa Clara is hereby authorized and empowered, for, in behalf, and in the name of said Town of Santa Clara, to issue the bonds of said town to such amount as the Board shall see fit, not exceeding the sum of twenty thousand dollars; to sell the same and appropriate the money received therefor to the acquisition by purchase or otherwise of the right of way and to the survey, location, and construction, and maintenance of said sewer.

SEC. 3. Each of said bonds shall be numbered in regular numerical order, and shall be issued in such sums, not exceeding five hundred dollars, as said Board of Trustees shall direct; shall be signed by the President of the Board of Trustees and the Treasurer of said town, and countersigned by the Clerk of the town, and have the corporate seal of said town affixed thereto. Said bonds shall be payable to bearer in gold coin of the United States, at the office of the Town Treasurer of said town ten years after the second day of January, A. D. eighteen hundred and seventy-eight, and shall bear such rate of interest as the said Board of Trustees may determine, not to exceed eight per cent. per annum, and shall have attached thereto, in the usual form, coupons for the interest, signed by the Town Treasurer of said town, the interest to be paid semi-annually on the first of January

and July of each year, at the office of the said Town Treasurer.

SEC. 4. It shall be the duty of the Treasurer and Clerk of said town to make out and return to the Board of Trustees of said town, within twenty days after the issuance of said bonds, a list thereof, showing the number and amount of each, and to whom sold, which report shall be entered in full upon the minutes of the Board, and the original preserved in the office of the Clerk, and the Town Treasurer shall also enter such list in a suitable book, which shall be preserved in his office, open to public inspection.

Duty of  
Treasurer  
and Clerk.

SEC. 5. In providing for the sale of said bonds or their redemption before maturity, and in all other cases referred to in this Act, the Board of Trustees shall have the power and authority to reject any and all proposals, and to do and perform such other things concerning the construction of said sewer as to it may seem best for the interests of said town.

Power of  
Board.

SEC. 6. Said bonds shall not be sold for less than ninety-five per cent. of their nominal value.

SEC. 7. The Trustees of said town shall create a fund in said town, to be known and called "The Main Sewer Fund," and the Town Treasurer of said town is hereby required and directed to keep a regular account upon his books with said fund. For the purpose of providing for the payment of the interest on said bonds, and their final payment and discharge, the corporate authorities of said town are authorized and required, annually, at the same time and in the same manner as other town taxes in said town are assessed, levied, and collected to assess, levy, and collect so long as required upon all taxable property in said town a tax of not exceeding one-fourth of one per cent. upon each one hundred dollars of such property, all of which taxes shall be paid to said Town Treasurer, and be by him placed to the credit of said Main Sewer Fund, and be applied to the payment of the principal and interest of said bonds.

"Sewer  
Fund."

Tax levied.

SEC. 8. Whenever there shall be to the credit of said fund a sum of one thousand dollars in excess of the amount that will be required to pay the semi-annual interest next thereafter to be paid on said bonds outstanding, the Board of Trustees of said town is authorized and empowered to direct and require the Town Treasurer of said town to call in the bonds in the order in which they were issued, commencing at the lowest number not redeemed, and notifying their holders by advertisement in a paper published in said Town of Santa Clara, for four consecutive weeks, and for thirty days in a newspaper published in the City and County of San Francisco, that interest will cease after said notification. No bond shall be redeemed, however, at a price greater than its nominal value and the interest then due thereon.

Redemption  
of bonds.

SEC. 9. The said Town of Santa Clara shall not have the power to issue bonds for the payment of any indebtedness other than is provided by the preceding sections of this Act,

Stipulation  
placed on  
town.

until the bonds issued under the provisions of this Act are fully paid and redeemed, and a clause to that effect shall be inserted in each of the bonds hereby authorized to be issued, and shall constitute and become a part of the contract between the holders of said bonds and the said Town of Santa Clara.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXXI.—*An Act to provide for the extermination of squirrels in the County of San Mateo.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Public  
nuisance.

SECTION 1. Squirrels in the County of San Mateo are hereby declared to be a public nuisance, and it shall be the duty of the Board of Supervisors of said county to make provisions for their extermination, and the Squirrel Inspectors herein provided for shall have full power to enter upon private property for the purpose of exterminating squirrels in the manner provided in this Act.

Division of  
county into  
districts.

SEC. 2. The Board of Supervisors shall, by ordinance, entered upon their journal, divide said county into a convenient number of squirrel districts, defining their boundaries, and appoint a Squirrel Inspector for each district, requiring from each a bond for the faithful discharge of his duties under this Act and the ordinance of the Board of Supervisors passed hereunder, in such sum as the said Board shall deem necessary.

Tax levied.

SEC. 3. At the time of levying the county taxes in each year, the Board of Supervisors may levy a special tax, in such sum as they shall deem necessary, not exceeding thirty cents on each one hundred dollars of the taxable property in said county, to be assessed, levied, and collected as and at the same time as other county taxes, and, when collected, to be paid into the county treasury, to the credit of a special fund to be known as the "Squirrel Fund."

Period for  
poisoning.

SEC. 4. The Board of Supervisors shall, by ordinance, prescribe a period in each year in and during which it shall be the duty of each and every owner of land in said county to thoroughly poison and exterminate the squirrels upon his land, and also to fix and prescribe a price per acre which shall be allowed the land owner for poisoning and exterminating the squirrels upon his land. The Squirrel Inspector in each district shall give to every land owner in his district at least ten days' notice, in writing, of the time when and within which he is required to poison the squirrels upon his land under this Act, and the price per acre which will be allowed him therefor. Such notice shall be given by delivery of the same to the land owner in person, or leaving the

Inspector  
to give  
notice.

same at his residence, if he reside within the district; otherwise, by posting the same in some safe and conspicuous position upon the land.

SEC. 5. If the land owner shall, within the period so fixed and prescribed, poison and exterminate the squirrels upon his land, it shall be the duty of the Squirrel Inspector, or upon being satisfied thereof, to give to the land owner a certificate of the fact, stating the quantity of land and the sum of money to which the land owner is entitled on account thereof, which certificate shall accompany the demand which may be presented to the Board of Supervisors by the land owner for payment of the sum to which he may be entitled under this Act. Such demand, when approved and allowed by the Board of Supervisors, shall be payable out of the Squirrel Fund of the county.

Inspector  
to give  
certificate.

SEC. 6. If any land owner shall fail or neglect to poison and exterminate the squirrels upon his land within the period so fixed, it shall be the duty of the Squirrel Inspector of the district, immediately upon the expiration of such period, to enter upon the land and thoroughly poison and exterminate the squirrels thereon, and also upon all public lands and highways in said district.

Failure or  
neglect to  
poison.

SEC. 7. The Squirrel Inspector shall be allowed for his services under this Act, payable out of the Squirrel Fund, three dollars per day for the time actually employed in giving the notices and certificates herein provided for, and the same price per acre for poisoning squirrels as that prescribed for land owners for the same service, to be audited and allowed by the Board of Supervisors upon presentation of properly authenticated demands therefor. Warrants upon the Squirrel Fund may be drawn in anticipation of the levy and collection thereof for the years eighteen hundred and seventy-eight and eighteen hundred and seventy-nine.

Compensa-  
tion of  
Inspector.

SEC. 8. The Board of Supervisors may pass such orders and ordinances as may be proper and necessary to fully carry into effect and accomplish the purposes of this Act.

Power of  
Board.

SEC. 9. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 10. This Act shall take effect and be in force from and after its passage.

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CHAP. CLXXXII.—*An Act to legalize the acts of the Board of Supervisors of Lake County, in the matter of the survey and construction of the Kelly Cañon Road, in said county.*

[Approved March 9, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All acts and orders made by the Board of Supervisors of Lake County, in relation to the survey, location, and construction of what is known as the Kelly Cañon

Acts  
legalized.

Road, between the Town of Lower Lake and Morgan Valley, in said county, are hereby legalized and confirmed.

SEC. 2. This Act shall take effect immediately.

CHAP. CLXXXIII.—*An Act to amend an Act entitled "An Act to re-incorporate the City of Stockton," approved March twenty-seventh, A. D. one thousand eight hundred and seventy-two.*

[Approved March 12, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Board of  
Equaliza-  
tion.

Power of  
same.

Power of  
members.

SECTION 1. Section eighteen of said Act is hereby amended to read as follows: Section 18. The City Council, or a committee of their number appointed for that purpose, shall constitute a Board of Equalization, and shall, after the Assessor shall have completed and handed in his assessment list, and after ten days' notice, published in some newspaper in said city, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor in such list, and shall have power, on their own motion or before complaint made, to modify and change such valuation in any way they shall deem just and proper; *provided, however*, that before making any change in any assessment the Board shall notify the person interested, by letter, deposited in the post-office or express, post-paid, and addressed to such person, at least three days before action taken, of the day fixed when the matter will be investigated; *and provided further*, that no reduction must be made in the valuation of property unless the party affected thereby, or his agent, makes and files with the Board a written application therefor, verified by his oath, showing the facts upon which it is claimed such reduction should be made. Any member of said Board shall have power to administer oaths and affirmations in the matters before said Board, and the sessions of said Board shall be held from time to time, as in its notice specified, for the period of two weeks and no longer.

SEC. 2. This Act shall take effect immediately.

CHAP. CLXXXIV.—*An Act to amend an Act to incorporate the City of Nevada, and all Acts supplemental thereto, and to repeal all Acts in conflict herewith.*

[Approved March 12, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The people of the City of Nevada shall be a body politic and corporate, under the style of the "City of Nevada," and by that name they shall have succession, may complain and defend in all Courts and in all actions and proceedings, purchase, receive, and hold property, and sell or otherwise dispose of the same, for their common benefit.

SEC. 2. The area of the City of Nevada shall be the south half of the northeast quarter, and the southeast quarter of section twelve, and the north half of the northeast quarter of section thirteen, in township sixteen north of range eight east, and the lot numbered two, and the southeast quarter of the northwest quarter, and the lots numbered three and four, and the east half of the southwest quarter of section seven, and the lot numbered one, and the northeast quarter of the northwest quarter of section eighteen, in township sixteen north, range nine east, Mount Diablo base and meridian, containing six hundred and forty-four and sixty-eight one-hundredths (644 $\frac{68}{100}$ ) acres.

SEC. 3. The corporate powers and duties of the City of Nevada shall be vested in a Board of Trustees, to consist of five members, who shall be elected by the qualified electors of the city. There shall be an annual city election, held on the first Monday of May, at which elections there shall be elected, as follows: In the year eighteen hundred and seventy-eight, three members of the Board of Trustees, and in the year eighteen hundred and seventy-nine there shall be elected two members of the Board of Trustees, and each even year thereafter there shall be elected three Trustees, and each odd year thereafter there shall be elected two Trustees, who shall serve for two years, and until their successors are elected and qualified. At said annual election there shall also be elected a Marshal, Assessor, and Treasurer, who shall hold their offices for the term of one year, and until their successors are chosen and qualified. At the last regular meeting of the present Board of Trustees prior to the first Monday of May, eighteen hundred and seventy-eight, the present Trustees shall, by lot, choose two of their number, who shall serve for the further term of one year, and until their successors are elected and qualified.

SEC. 4. The Board of Trustees shall assemble within ten days after their election and choose a President and Clerk from their number; they shall, by ordinance, fix the times and places of holding their stated meetings, and may be convened at any time by the President.

SEC. 5. At all meetings of the Board a majority of the Trustees shall constitute a quorum to do business, and a

smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously, by ordinance, may have prescribed.

Powers and  
duties of  
Board of  
Trustees.

SEC. 6. The Board of Trustees shall judge of the election returns, and qualifications of their own members, and determine contested elections of all city officers. They may establish rules for their own proceedings, punish any member or other person for disorderly behavior in their presence, and, with the concurrence of four of the Trustees, expel any member—but not a second time for the same cause: they shall keep a journal of their proceedings, and at the desire of any member shall cause the yeas and nays to be taken in any questions and entered in the journal; and their proceedings shall be public.

SEC. 7. In case of a vacancy in the Board of Trustees, by resignation or otherwise, the remaining Trustees shall have power and be required to fill such vacancy at their next regular meeting.

SEC. 8. The Board of Trustees shall have power to make such by-laws and ordinances, not repugnant to the Constitution and laws of the United States and of this State, as they shall determine.

*Second*—To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for State and county purposes; *provided*, that said tax shall not exceed one-half of one per centum on the assessment valuation thereof.

*Third*—To sell, use, lease, control, improve, and take care of the real estate and personal property of the city.

*Fourth*—To lay out, extend, and alter streets and alleys, provide for the grading, draining, cleaning, repairing, widening, lighting, or otherwise improving the same, and for the construction, repair, regulation, and preservation of sidewalks, bridges, drains, curves, gutters, and sewers, and to prevent or remove obstructions thereto and to any part thereof.

*Fifth*—To provide for the prevention and extinction of fires.

*Sixth*—To regulate the storage of gunpowder and other combustible materials.

*Seventh*—To determine what are nuisances, and prevent and remove the same.

*Eighth*—To create and establish a city police, to prescribe their duties and compensation, and to provide for the regulation and government of the same.

*Ninth*—To fix and collect license tax on and to regulate theaters, melodeons, balls, concerts, dances, and all theatrical or melodeon performances, and performances of any kind for which an admission fee is charged, or which may be held in any house where wines or liquors are sold to the participants; circuses, shows, billiard tables, bowling alleys, and all exhibitions and amusements; to fix and collect a license tax on all taverns, hotels, restaurants, saloons, bar-rooms, bankers, brokers, gold dust buyers, manufactories, livery stable keepers, express companies, and persons engaged



in transmitting letters or packages, railroad and stage companies, or owners whose principal place of business is in said city, or who shall have an agency therein; to license and regulate auctioneers; to license, tax, regulate, prohibit, or suppress all tippling houses, dram shops, saloons, bars, bar-rooms, raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, and sheds; to prohibit and suppress all cock-fights, bear, or bull, or badger baits, dog-fights, or exhibition or show of any animal or animals; also, to prohibit or suppress all gaming and all gambling or disorderly houses; also, to regulate, prohibit, or suppress all houses of ill-fame, and to fix and collect a license tax upon all professions, trades, or business not hereinbefore specified, having regard to the amount of business done by each person, firm, or association thus licensed.

Powers and  
duties of  
Board of  
Trustees.

*Tenth*—To provide for all necessary public buildings, parks, or squares necessary or proper for the use of the city.

*Eleventh*—To prevent and restrain any riot, riotous assemblages, or disorderly conduct within the city.

*Twelfth*—To impose, for the benefit of the city, fines, penalties, forfeitures, and punishments for breaches of the city ordinances.

*Thirteenth*—To provide for the formation of a chain-gang for persons convicted of crimes or misdemeanors, and to their proper employment for the benefit of the city.

*Fourteenth*—To provide for conducting elections, establishing election precincts, appointing Judges, Inspectors, and Clerks thereof.

*Fifteenth*—To examine, either in open session or by committee or commission, books, papers, vouchers, reports, and statements of the several officers, or any other person having the custody, care, management, collection, disbursement, or control of any moneys or property belonging, appertaining, or appropriated to the city or either of its funds, trusts, or uses.

*Sixteenth*—To provide for the arrest and compulsory working of vagrants.

*Seventeenth*—To examine and liquidate all accounts against the city, and to allow or reject the same or any part thereof, as it is found legal or illegal; *provided*, that no action shall be commenced or maintained against the city until the claim, account, or demand upon which it is founded shall have been first presented to, and either in whole or in part rejected by the Board of Trustees.

*Eighteenth*—To make appropriation, examine and audit, reject or allow the accounts of all officers or other persons having the care, management, collection, or disbursement of any money collected for, belonging, appertaining, or appropriated to the city for any of its uses or trusts, and to determine, allow, and pay the salary, fees, or percentage which such officer or other person may by law be entitled to receive, except as otherwise herein provided; to make contracts and agreements for the use and benefit of the city, such contracts and agreements in all cases to specify the fund or funds out of which payment for the same is to be

Powers and  
duties of  
Board of  
Trustees.

made; *provided*, that said Board of Trustees shall not contract any liabilities, either by borrowing money, loaning the credit of the city, or contracting debts which, singly or in the aggregate, shall exceed the sum of two thousand dollars.

*Nineteenth*—To establish fire limits, and prevent the erection of wooden buildings therein; to regulate the construction of buildings, sheds, awnings, and signs.

*Twentieth*—To provide for supplying the city with water, and regulate the sale and distribution thereof; *provided*, that this provision shall in no manner alter or affect any contract or contracts heretofore made with any party or parties, or corporation, for the supplying of said city or any part thereof with water, but all such contracts shall be and remain in full force and virtue.

*Twenty-first*—To prevent any or all domestic animals from running at large within the city limits or any part thereof, or from being kept therein; to control and regulate slaughter houses, or to provide for their exclusion from the city limits or any part thereof.

*Twenty-second*—To provide for the care, feeding, and clothing of the city prisoners.

*Twenty-third*—To make real estate in said city liable for the construction of sidewalks, crossings, and all other street improvements adjacent thereto, and to provide for the forced sale thereof for such purposes.

*Twenty-fourth*—To levy and collect annually a poll tax of not exceeding one dollar per annum on every male inhabitant of twenty-one years of age and upwards; to levy and collect the road tax, established by general law, on every able-bodied male inhabitant between the ages of twenty-one and fifty years, said tax to be faithfully applied to road and street purposes within the incorporate limits of the city.

*Twenty-fifth*—To impose and collect a tax on dogs, not exceeding six dollars per annum on every dog found running at large within the incorporated limits of the city.

*Twenty-sixth*—To provide the impounding of swine, cattle, and other animals.

*Twenty-seventh*—To levy annually a tax of twenty cents on each one hundred dollars of the assessed valuation of property within the said city, for support and maintenance of companies having for their object the protection of the city against fires; *provided*, that whatever sums of money shall remain in the Fire Fund on the first day of July of each year shall be paid into the General Fund of the city treasury.

*Twenty-eighth*—To employ an attorney or attorneys-at-law, if their services be required.

City officers.

SEC. 9. The officers of the city shall be five Trustees, who shall constitute a Board of Trustees, an Assessor, a Treasurer, and a City Marshal. The Marshal shall be ex officio Collector of licenses and taxes, general or special, levied and collectable for the use or benefit of said city.

SEC. 10. The Trustees shall receive no compensation whatever for their services as such. The Marshal, Assessor, and Treasurer, and policemen, shall receive such compensation as may be determined by the Board of Trustees.

SEC. 11. The Board of Trustees may impose fines for the breach of their ordinances, not exceeding the sum of one hundred dollars for any one breach of any ordinance, which fine may be recovered before any Justice of the Peace by suit in the name of the "City of Nevada," and collected by execution. They may also impose penalties of imprisonment for the breach of their ordinances, not exceeding ten days for any one offense, in the discretion of the Justice of the Peace by whom the punishment is assessed. All fines collected in pursuance of this Act shall, by the officer collecting the same, be paid over to the Treasurer of the city at the end of each month.

Violation of ordinances.

SEC. 12. Any person shall be qualified to hold any city office, or vote for any city officer, who shall be a qualified elector under the Constitution and laws of this State, and who shall have resided in the city thirty days next preceding the election.

Qualified electors.

SEC. 13. All officers of the city, before entering upon the duties of their office, shall take the oath prescribed by the Constitution, and the Treasurer, Marshal, and Assessor shall give bonds for the faithful performance of the duties of their office, payable to the City of Nevada, to be approved by the Board of Trustees, in such penalties as the Board, by ordinance, may prescribe. If, from any cause, such bond shall have become insufficient in the opinion of the Board, they may require of any such officer such additional bonds as they may think necessary.

Oath and bonds.

SEC. 14. If any person fail to pay any tax levied upon his real or personal property, the Collector of the city taxes may recover the same by suit, in the name of the city, before any Court of competent jurisdiction, together with all costs of suit, or may enforce the collection of such tax by seizing and selling the property of the party delinquent in the mode prescribed by law for the collection of State and county taxes; and any property so sold shall be sold subject to all the provisions, and the officer so selling shall have all the rights and be subject to all the duties prescribed by law for the collection of State and county taxes.

Failure to pay taxes; how collected.

SEC. 15. The President of the Board of Trustees shall, on the first Monday of July and January of each year, make out a full and correct statement of all moneys received and expended during the six months next preceding, and shall cause such statement within ten days thereafter to be published in some newspaper published in the city. For any neglect to comply with the provisions of this section he shall forfeit the sum of two hundred dollars, to be recovered, with costs, in any Court of competent jurisdiction, to the use of the city.

Statement of finances.

Penalty.

SEC. 16. The Board of Trustees shall cause all by-laws and ordinances of the city to be published in some newspaper published in the city at least two weeks before the said by-laws and ordinances shall be carried into effect.

Publication of by-laws.

SEC. 17. Should any of the Trustees or any other city officer remove from the city, absent himself therefrom for

Vacation of office.

more than thirty days without leave of the Board, or neglect to qualify within ten days after his election, or, if bond is required of him, neglect for the said time to give said bond, his office shall be thereby vacated.

Blank  
receipts

SEC. 18. The Board of Trustees shall procure suitable blank receipts for each kind of tax and license, which they shall issue to the Marshal, in certain numbers, taking his receipt therefor, and holding him responsible for the same, and no other form of receipt shall be given in receipt for taxes or licenses; said receipts shall be signed by the Clerk of the Board of Trustees.

Expense of  
street im-  
provements,  
how paid.

SEC. 19. In the public streets already laid out by lawful authority, opened and graded within the limits of said city, or which shall hereafter be laid out, opened, and graded, as provided in this Act, the paving, planking, draining, and repairs of every kind, shall be assessed upon and done at the equal expense of the adjacent lots on each side of said streets, each separate owner being at liberty, and being required, under the direction of the Street Committee, to do, or cause to be done, at his own expense, the work and repairs, and improvements in front of his own premises, to the center of the street.

Grading of  
streets.

SEC. 20. When any street is located, but not graded, paved, or planked, the Board of Trustees, when they shall deem it expedient, may order the whole or any portion thereof to be graded, after notice of their intention, published in some daily newspaper printed in said city, for the period of ten days, unless the owners of over one-half in extent of frontage of lands and lots bounded on such streets or portion of a street, so proposed to be graded shall have made written objection thereto, and delivered the same to the Clerk of the Board of Trustees, within the said period of ten days.

Petition for  
improving  
streets

SEC. 21. If the owners of more than one-half of frontage of lands and lots fronting on any street or portion of a street not yet graded, paved, or planked, or their duly authorized agent, shall petition the Board of Trustees, in writing, to grade, pave, or plank the same, the said Board of Trustees shall order the same to be done, but in such case the Board may receive and consider remonstrances, for the purpose only of ascertaining whether the petitioners truly comprehend more than one-half of said owners, as in this section required, no order or permission shall be given to grade, pave, or plank any street, or portion of a street, without extending and completing such grading, paving, or planking throughout the whole breadth of such street, up to the boundary of the sidewalks thereof.

Expense of  
improvements,

SEC. 22. The total amount of the expense of grading, planking, or paving any street, or portion of a street, under the provisions of this Act, shall be assessed upon and borne with absolute equality by all lands fronting thereon; the expense to be calculated upon and borne by each block separately and in proportion to the frontage, at a rate per foot sufficient to cover such total expense of the work on each block; *provided*, that all street crossings, and the squares

formed by the junction of two or more streets, shall be paved, graded, or planked and kept in repair at the expense of the city, and the contract therefor, and all contracts for work authorized to be done upon streets and crossings, shall in all cases be given to the lowest bidder giving adequate security, and shall be given without security to the owners of lands and lots, or the greater part thereof in extent of frontage which are liable to be assessed therefor; *provided*, they offer to take the same at as low a rate as any others offering adequate security; and if the owner or owners of any lot or part of a lot shall have filled in, in whole or in part, the street opposite thereto, at his own or their own expense, such owner or owners shall be entitled to an allowance therefor, upon his or their assessment, at the same rate per cubic yard, or square foot, as shall be paid for filling such street, whenever, for that purpose, an assessment shall be made.

SEC. 23. Before giving out any such contracts the Board of Trustees shall cause notice to be inserted in one of the daily newspapers published in said city, for a period of ten days, inviting sealed proposals for the work contemplated, to be handed in to the Clerk of the Board of Trustees; said Trustees shall open and examine and publicly declare them in open session, and thereupon the contract shall be awarded at the lowest price offered, according to the provisions of the next preceding section; *provided*, that the lot owners, or the major part, as specified in said section, liable to be assessed therefor shall not be required to present sealed proposals, but may, within five days of such award, elect to take the contract for the price it has been awarded at. The President of the Board of Trustees shall be authorized, in his official character, to enter into written contracts for work upon streets and street crossings ordered to be done, and awarded, or taken by the owners, according to the provisions of this article.

Advertisement  
must be  
inserted.

SEC. 24. When required by the Board of Trustees, the Marshal shall make a list which shall state value or assessment per foot, as the case may require, for each separate parcel of land liable for improvements made or about to be made, which shall be presented to the Board of Trustees. The Tax Collector shall cause a copy of said roll to be published in some newspaper designated by the President of the Board of Trustees for a period of five days. He shall, immediately after said publication is made, proceed to collect the assessment tax for twenty days after the five days' publication have expired. After the expiration of the twenty days he shall immediately make out a list of all delinquents, which shall be handed by him to the Board of Trustees. After the delivery by the Collector to the Board of Trustees, the delinquent list, as aforesaid, the Board may instruct the Collector to proceed to the collection thereof, and for that purpose the Collector shall have all the powers and authority in the premises as is possessed by the Collectors of State and county taxes under the general revenue laws; and in the collection of said delinquent taxes or assessments, the Collector shall proceed accord-

Valuation  
list to be  
made.

Delinquent  
list.

Collection of  
delinquent  
taxes

ing to and be governed by the general revenue laws prescribing the duties of Collectors of State and county taxes.

Taxes made  
a lien.

SEC. 25. All taxes or assessments levied or assessed on any property for the purpose of grading, paving, planking, repairing, or improving any streets, crossings, or sidewalks shall become a lien against said property, the same as other taxes or assessments for State and county purposes, said lien to take effect on the day the assessment is levied by said Board of Trustees.

Improvements to be  
made under  
direction  
of Street  
Committee.

SEC. 26. The grading, draining, planking, paving, repairing, or otherwise constructing or improving of streets and sidewalks and street crossings, must in all cases be done under the direction and to the satisfaction of the Street Committee, and all contracts made therefor must contain this condition, and also express notice, that in no case (except when it is otherwise provided in this Act) will the said city be liable for any portion of the expense, nor for any delinquency of persons or property assessed.

Committee  
to give  
notice of  
needed  
repairs.

SEC. 27. The Street Committee, or Marshal by their direction, shall require, by verbal or written notice (to be delivered to them personally or left on the premises), all owners, tenants, and occupants of lots and buildings situated and fronting upon streets already graded, paved, or planked, or which shall hereafter have been graded, paved, or planked, when local repairs are needed in the planking, grading, paving, sidewalks, sewers, or otherwise, to make such repairs forthwith, each one in front of the property of which he is the owner, tenant, or occupant, and all repairs so made, or expense therefor incurred by tenants, may be charged to the landlord, unless otherwise agreed between such landlord and tenant, and deducted from the rents payable under their leases; and the said tenant shall have a lien upon the premises therefor, and may retain possession therefor till the amount so advanced shall be repaid, with interest, from accruing rent or otherwise.

SEC. 28. All city ordinances now in force shall be and are hereby continued in full force until repealed by the Board of Trustees, except where said ordinances conflict with the provisions of this Act.

Board of  
Equalization.

SEC. 29. After the assessment roll has been added up by the Assessor, and before it is delivered to the Collector, the Trustees shall, by ordinance, levy the several amounts of general and special taxes to be collected thereon. The Board of Trustees shall constitute the Board of Equalization, and the Assessor shall be the Clerk thereof. The said Board of Equalization shall meet on the first Monday of June of each year, and remain in session not less than two hours of each day or evening for one week, or until all matters coming before them are disposed of. The Board are hereby vested with such authority as is prescribed in the general revenue laws of this State, and the valuation placed upon the real estate and personal property shall be the equalized valuation for all city purposes; and every tax levied under the provisions of this Act is hereby made a lien against the property assessed, which lien shall not be satisfied or removed until

such taxes are all paid, or the property has absolutely vested in a purchaser under a sale for such taxes.

SEC. 30. Whenever any person or persons, required by any city ordinance to take out a license, shall fail, neglect, or refuse to take out such license, and pay therefor in the manner and at the time in such ordinance provided, or if any person or persons so required to take out any license shall transact, do, or carry on any business, trade, or occupation, matter, or thing, without having first procured the requisite license for such doing, trading, or carrying on, the Collector may direct suit in the name of the City of Nevada to be brought against him, her, or them, for the recovery of the license money due, and all costs and damages, and in such case either the Collector or his attorney may make the necessary affidavit; and a writ of attachment shall thereupon issue, without any bond being given by or on behalf of the plaintiff, and in case any such suit is brought, and judgment for the plaintiff recovering therein, the sum of fifteen dollars liquidated damages shall be recovered in the action, which shall be included as part of the original debt, and be paid by the defendant, and when collected shall be paid, five dollars to the Collector and ten dollars to the attorney prosecuting the suit for him, for their own respective uses, for their trouble in and about the matter; *provided, however,* nothing in this section shall authorize the Collector, attorney, justice, officer, or any other person whomsoever to make any claim or charge against the city for any services rendered in or about any such action; *and provided further,* that in any such suit no witness for the plaintiff shall be entitled to demand or receive any witness fees or mileage in advance, nor shall any witness be entitled to charge or receive any fees or mileage whatever unless the same are made as costs out of the defendant; *and provided further,* that if judgment is rendered for the defendant, it shall be general and without costs; *and provided further,* that any person or persons who shall commence or continue to do, transact, or carry on any business, trade, profession, or calling for the doing, transacting, or carrying on of which a license may, by any ordinance, be required to be taken out, without first procuring such license, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten nor more than one hundred dollars, or be imprisoned for not more than ten days. Upon the trial of any criminal action provided for by this section, the defendant shall be deemed not to have procured the proper license, unless he either produce it or prove that he did procure it: but he may plead in bar of the criminal action a recovery against him, and the payment by him in a civil action of the proper license money, damages, and costs.

Failure to  
take out  
license.

Misde-  
meanor.

Article is  
liable for  
payment.

SEC. 31. All billiard tables, bar fixtures, ten-pin alleys, pins and balls, furniture, crockery, glassware, liquors, and chattels of every kind, used in transacting or carrying on, or doing the business of a drinking saloon, or bar, or restaurant, or billiard room, or ten-pin alley, or tavern, or eating-house, or ball-room, or dance-house, when, by ordinance, such business is required to be licensed, shall, without

reference to the actual ownership of such property, be liable for and may be taken in attachment or on execution for the license due on the business in which they are allowed to be used. There shall be added to every license not obtained within five days after the same becomes due and payable, the sum of one dollar, which shall become a part of the license, and paid into the treasury in the same manner as other revenues.

Assessment  
of property.

SEC. 32. On or before the first Monday of March of each year, the Assessor of said city shall commence the assessment of city property, and such assessment shall be completed on or before the last Monday of April of each year and the assessment book delivered to the Clerk of the Board of Trustees.

SEC. 33. After the delivery of the assessment book to the Clerk of the Board of Trustees, the same shall be open to inspection until the third Monday in May.

Equaliza-  
tion.

SEC. 34. The Board of Trustees of said city shall meet as a Board of Equalization, on the fourth Monday in May in each year, to examine the assessment book and equalize the assessment of property in the city.

SEC. 35. On the first Monday of June of each year, the Board of Trustees must fix the rate of city taxes, designating the number of cents on each hundred dollars levied for each fund.

SEC. 36. The Board of Trustees must, on or before the second Monday in June of each year, deliver the equalized assessment book to the Collector.

Publication  
of notice

SEC. 37. Within five days after the receipt of the equalized assessment book the Tax Collector must publish, in at least one daily newspaper in said city, for the period of ten days, a notice specifying:

*First*—That taxes will be delinquent on the first Monday of August next thereafter, and that unless paid prior thereto five per cent. will be added to the amount thereof.

*Second*—The time and place at which payment of taxes may be made.

Taxes  
delinquent.

SEC. 38. On the first Monday of August of each year, at six o'clock p. m., all unpaid taxes are delinquent, and thereafter the Tax Collector must collect thereon, for the use of the city, an addition of five per cent.

SEC. 39. All laws or parts of laws in conflict with this Act, in so far as they relate to the City of Nevada, are hereby repealed.

SEC. 40. This Act shall take effect within ten days after its passage.



CHAP. CLXXXVI.—*An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.*

[Approved March 12, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered to fill and grade to the official grade, as now or hereafter established by said Board, and macadamize and culvert that portion of Seventh Street, in said city and county, lying between the northerly line of King Street and the southerly line of Santa Clara Street; also the intersection of Santa Clara Street with Pennsylvania Avenue, and such other portion of Pennsylvania Avenue as to said Board shall seem necessary and useful; also such portion of Santa Clara Street running easterly from Seventh Street as to said Board shall seem necessary and useful for travel and the interest and convenience of the public; said filling, grading, macadamizing, and culverting may be commenced, prosecuted, and completed without unnecessary delay after the passage of this Act, and notwithstanding the protests of any or all the property owners affected thereby, or liable to be assessed therefor.

Board authorized to grade certain streets.

SEC. 2. The said Board of Supervisors is also hereby authorized and empowered to establish, without unnecessary delay, such an official grade on and for said Seventh Street, between the southerly line of Bryant Street and the southerly line of Santa Clara Street, and also on said Santa Clara Street and Pennsylvania Avenue, and on the streets, alleys, and places intersecting said Seventh and Santa Clara Streets and Pennsylvania Avenue, as to said Board may seem proper, and may grade and improve the same, or any portion thereof, to such official grade, notwithstanding the protests of any or all property owners liable to be assessed therefor.

Same.

SEC. 3. The Board of Supervisors may, without any petition whatsoever on the part of any person or persons, commence, prosecute, and complete the work contemplated in sections one and two of this Act, and pass all orders and resolutions, and do all things in connection therewith, as may be necessary to commence, prosecute, and speedily complete said work, in such a manner and with such materials as to said Board shall seem proper; and, for the purpose of carrying out the objects and intentions of this Act, all laws, Acts, and parts of Acts in force at the time of the passage of this Act, not inconsistent therewith, or any of the provisions thereof, regulating or providing for the improvement, grading, and macadamizing of public streets and highways in the City and County of San Francisco, and the levying, assessing, and collection of assessments for the improvement, grading, and macadamizing of such streets and highways are hereby made applicable to this Act.

Power of Board.

Duty of  
Board.

SEC. 4. The said Board of Supervisors shall demand and receive from the Board of Seventh Street Commissioners of said city and county (which Board of Commissioners was created by an Act of the Legislature of the State of California, entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Seventh Street, to take private lands therefor, and to grade, macadamize, and improve a portion of Seventh Street, and to construct a bridge thereon, approved April third, eighteen hundred and seventy-six) all books, papers, maps, diagrams, and other property and data in the possession of said Board of Commissioners connected with said Seventh Street, and when so received shall use the same for the purposes of this Act in doing said work, so far as the same can be made useful or applicable thereto, and the said Board of Commissioners shall, on demand, deliver all such books, papers, maps, diagrams, property, and data over to said Board of Supervisors.

Construction  
of draw-  
bridge.

SEC. 5. The said Board of Supervisors are hereby further authorized and empowered to construct a draw-bridge of such capacity, dimensions, and materials as to said Board shall seem proper, across Channel Street, as laid down upon the latest official map of said city and county, extending from the northerly line of said Channel Street, where Seventh Street intersects the same, to the southerly line of Channel Street, where Seventh Street intersects the same, said bridge to be a free, public bridge, and to be suitable for all traveling purposes. And all cost and expenses for constructing and maintaining the same shall be paid out of the General Fund of the treasury of said City and County of San Francisco, and the space required for said bridge is hereby excepted from the operation of sections one, two, three, and four of this Act.

Costs, how  
paid.

SEC. 6. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall take effect immediately.

CHAP. CLXXXVII.—*An Act to establish the grade of Seventh Street, between Bryant and Brannan Streets, in the City and County of San Francisco.*

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Grade  
established.

SECTION 1. The grade of Seventh, on the south line of Bryant Street, shall be established at nine feet above base and decline therefrom on a uniform grade towards Brannan Street, a distance of four hundred and seventy-five feet, at which point it shall be seven feet above base, and from the said point it shall decline uniformly to the north line of Brannan Street as already established, and the grade as established by this Act shall be the official grade of Seventh

between Bryant and Brannan Streets until said grade shall be changed as by law provided.

SEC. 2. All Acts or parts of Acts that are in conflict with the provisions of this Act, for the purposes of this Act, are hereby repealed.

SEC. 3. This Act shall be in force and effect from and after its passage.

This bill having remained with the Governor for ten days (Sundays excepted), and the Legislature being in session, it has become a law this thirteenth day of March, A. D. eighteen hundred and seventy-eight.

THOMAS BECK, Secretary of State.

CHAP. CLXXXVIII.—*An Act to amend an Act entitled an Act to establish and maintain a training ship in the City and County of San Francisco, approved February fifteenth, eighteen hundred and seventy-six.*

[Approved March 13, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section five of an Act entitled an Act to establish and maintain a training ship in the City and County of San Francisco, approved February fifteenth, eighteen hundred and seventy-six, is amended to read as follows: Section 5. The Board of Supervisors of said city and county is hereby authorized and required to direct to be paid out of the General Fund of said city and county, for the support and maintenance of said training ship, a sum not exceeding twenty-five thousand dollars per annum, and an additional sum of twenty-five thousand dollars per annum is hereby appropriated out of the State treasury for the support and maintenance of said training ship, and the State Controller is hereby required to draw his warrant in favor of, and the State Treasurer to pay to the City and County of San Francisco the said sum of twenty-five thousand dollars per annum, for the purposes aforesaid, and the Auditor of said city and county is hereby required to audit all claims passed by said Board in pursuance of the provisions of this Act, and the Treasurer of the said city and county is hereby directed to pay the same.

Appropriation authorized.

SEC. 2. The said Board of Supervisors shall provide accommodations on said training ship for not less than two hundred boys at all times, and shall provide officers and instructors sufficient for their government.

Accommodations provided.

SEC. 3. Of the total number of boys provided for by this Act one hundred may be admitted from the City and County of San Francisco and one hundred from the other counties of the State of California, as may be determined by an

Number of boys admitted.

Advisory Board provided for in the next succeeding section of this Act.

Advisory  
Board.

SEC. 4. An Advisory Board, consisting of three members, to serve without compensation, shall be appointed by the Governor of the State, at his earliest convenience after the passage of this Act, to which Board a report shall be made quarterly of the condition and operation of said training ship, by said standing committee of said Board of Supervisors. It shall be the duty of said Advisory Board to inspect said training ship from time to time, as may be necessary, and to make such apportionment and such changes in the number of boys apportioned to each county (the County of San Francisco excepted) as may be found necessary to secure to the several counties of the State the full number of boys herein provided for. The population of each county shall form the basis of said apportionment.

Duty of  
same.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXXIX.—*An Act to ascertain the amount and provide for the payment of damages done to St. Francis' Church property, in the City and County of San Francisco, by changing the grade of Montgomery Avenue in said city and county.*

[Approved March 15, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

City liable  
for damages.

SECTION 1. The City and County of San Francisco shall be liable to the congregation of St. Francis' Church, in said city and county, for all damages to the church building and property of said congregation, by reason of the lowering of the grade of Montgomery Avenue and Vallejo Street, in pursuance of an Act entitled an Act to change and modify the grade and to provide for the grading and regrading of certain portions of Montgomery Avenue, and of certain portions of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco, approved April third, eighteen hundred and seventy-six. Such damages shall be assessed and paid in the manner hereinafter provided.

Commis-  
sioners  
declared.

SEC. 2. The Mayor, the City and County Surveyor, and the Superintendent of Public Streets, Highways, and Squares of said city and county are hereby appointed Commissioners to ascertain and assess said damages. As soon as practicable after the passage of this Act the Commissioners shall give notice, for the period of ten days, by publication in some newspaper published in said city and county, of a time and place at which they will meet for the purpose of hearing evidence in regard to the damages. At the time and place specified in the notice, or at some other time and place of which previous notice shall have been given as above pro-

Meeting  
of same.

vided, the Commissioners, or a majority of them, shall meet and proceed to hear such evidence as may be brought before them, and the hearing may be adjourned from time to time without further notice. All persons interested in the proceedings may appear before the Commissioners and introduce evidence. The Commissioners shall include in their estimate of damages the cost of any changes and alterations made or to be made in or about said building, so far as such changes and alterations may appear to them necessary or proper by reason of the lowering of the grade as aforesaid. In order to enable them to determine the cost of changes and alterations to be afterwards made, they shall be furnished with plans, drawings, and estimates by one or more competent architects.

SEC. 3. After hearing the evidence the Commissioners shall assess and award such damages as they may deem to be just and reasonable, including the cost of changes and alterations as aforesaid, and shall make a written report thereof to the Board of Supervisors of said city and county, stating the amount of the damages and the cost of the proceedings. On receiving said report the Board of Supervisors shall make an order referring to the report and directing the payment of such damages and cost, the amount of which shall be stated in the order. Said order need not be published or approved by the Mayor. A certified copy of said order shall be presented to the Auditor of said city and county, who shall thereupon draw his warrant on the Treasurer for the amount of the damages and cost, as stated in the order. The warrant shall be drawn in favor of Joseph S. Alemany, or some other person authorized to act for and represent said congregation, and shall be paid by the Treasurer, out of the General Fund, in gold coin of the United States.

Award of  
damages  
by Com-  
missioners.

SEC. 4. The acts to be performed by the Commissioners as aforesaid may be performed by any two of them, and each of the Commissioners shall receive a reasonable compensation for his services, to be fixed by the Board of Supervisors, and paid out of the General Fund, upon the warrant of the Auditor.

Compensa-  
tion.

SEC. 5. If the changes and alterations in or about said building should require the use of a portion of the sidewalk on Vallejo Street for the erection of steps, platforms, or other like purposes, the right to the use of the same is hereby granted to the extent of six feet in width on the northerly side thereof, in front of said building, such right to continue for the period of twenty years.

Right given  
to use side  
walk.

SEC. 6. This Act shall take effect and be in force from and after its passage.

This bill having remained with the Governor ten days (Sundays excepted) and the Legislature being in session, it has become a law this fifteenth day of March, A. D. eighteen hundred and seventy-eight.

THOMAS BECK, Secretary of State.

CHAP. CXC.—[See volume of *Amendments to the Codes.*]CHAP. CXCI.—*An Act to prohibit "Piece Clubs," and to prevent extortion from candidates for office.*

[Approved March 14, 1873.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*Election ex-  
penses; how  
raised.

SECTION 1. All payments and contributions of money for election expenses, made by candidates for office in this State, shall hereafter be assessed and made by such candidates by voluntary assessment among themselves, and not otherwise, and at meetings to be called for such purpose, at which meetings none but candidates for office at the next ensuing election shall be present or participate.

Misde-  
meanor.

SEC. 2. Any person being a candidate for office in this State, who shall directly or indirectly pay, or knowingly cause to be paid, any money or other valuable thing to any person, as an assessment or contribution for the expenses of the election at which such person or candidate is to be voted for, except the contribution or assessment so agreed upon by such meeting of candidates, shall be deemed guilty of a misdemeanor, and, upon conviction, punished accordingly.

Certain acts  
declared  
unlawful.

SEC. 3. It shall not be lawful for any committee, convention, or other association, formed for the purpose of nominating a candidate or candidates for office in this State, to levy, assess, collect, demand, or receive, directly or indirectly, any money or other valuable thing from any candidate or candidates nominated for office by such committee, convention, or other association, either for the expenses of printing or distributing tickets, or for any of the expenses of the election of such candidate or candidates, or as for the expenses of such nominating convention, committee, or other association, or under or upon any pretense whatsoever.

Misde-  
meanor.

SEC. 4. Any officer or member of any such committee, convention, or association, or other person, who shall vote for, aid, authorize, assist, or consent to any such levy, assessment, or collection from any candidate or candidates, shall be deemed guilty of a misdemeanor, and, on conviction, punished accordingly.

Same.

SEC. 5. Any person who shall demand, ask for, collect, or receive, either directly or indirectly, any money or other valuable thing from any candidate or candidates for office in this State, on the ground that such money or other valuable thing has been assessed to such candidate or candidates, or asked for, demanded, or required by any person, nominating convention, committee, or other political association, as or for the costs of printing or distributing tickets, or for the payment of election expenses of any kind or nature whatso-

ever, or as or for the expenses of such nominating committee, convention, or association, shall, for each offense, be deemed guilty of a misdemeanor, and, on conviction, shall be punished accordingly; but nothing herein contained shall prevent the candidates at any election from assembling together and voluntarily assessing themselves for any expenses authorized by law for the common good of the ticket, and to collect and disburse the same by agents appointed for such purpose.

SEC. 6. Any person who shall voluntarily and unsolicited offer to work for and assist, or in any manner whatsoever contribute to the nomination or election of any candidate or other person to any office in this State, for the purpose and with the intent to have such candidate or person pay for, or in any manner compensate such person so offering for such work or services, shall be deemed guilty of a misdemeanor, and, on conviction, punished accordingly.

SEC. 7. This Act shall apply only to the City and County of San Francisco.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAP. CXCLII.—*An Act to provide for the substitution of bonds of the City of San Luis Obispo in lieu of bonds of the Town of San Luis Obispo.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Common Council of the City of San Luis Obispo are hereby authorized and empowered to issue bonds of the City of San Luis Obispo, to the amount of fifteen thousand dollars, payable in the gold coin of the United States of America, at the office of the City Treasurer, in the City of San Luis Obispo, on or before the first day of January, in the year eighteen hundred and ninety-six, and bearing interest at the rate of eight per cent. per annum, payable annually, on the first day of January in each year, in the gold coin of the United States, at the office of the City Treasurer of said city.

SEC. 2. Said bonds shall be in sums of one thousand dollars each, and shall be signed by the President of the Common Council, and by the Treasurer of said city, and shall have the seal of the said city affixed thereto, attested by the Clerk of the Common Council of said city; and coupons for the interest on said bonds, signed by the Treasurer of said city, shall be attached to each of said bonds.

SEC. 3. For the payment, within eighteen years, of the principal and interest on the bonds issued under this Act, the Common Council of said city is hereby authorized and directed to levy annually, at the same time and in the same manner as other city taxes are levied, a tax on all the taxa-

ble property in said city, and to fix the rate of per cent. of such tax, over and above the amount provided by the Acts incorporating the City of San Luis Obispo, sufficient to pay the interest on all bonds issued as herein provided, not exceeding one per cent., and the fund derived from this tax shall be set apart and applied exclusively to the payment of the interest on the bonds herein provided; and in the year eighteen hundred and eighty-two, and annually thereafter, in addition to the tax for the payment of the interest, as aforesaid, a tax not exceeding one-fourth of one per cent. on each one hundred dollars valuation of taxable property in the said city shall be levied as aforesaid, to create a fund to be known as "The Redemption Bond Sinking Fund," for the final redemption of the said principal of said bonds, at the time when they shall become due, and the faith and credit of said city is hereby pledged for the prompt payment of the bonds issued by said city, as herein provided, and the final and complete redemption thereof; and any money so received by taxation shall not be applied or used for any other purpose than as herein provided.

Redemption  
of bonds.

SEC. 4. On the first Monday in January, in the year eighteen hundred and eighty-three, and in each year thereafter whenever there remains in the Sinking Fund aforesaid the sum of one thousand dollars more than will pay the interest then due, the City Treasurer shall advertise for four weeks in a newspaper printed and published in the said city, and in a newspaper published elsewhere, if the said Common Council deem such additional publication expedient or necessary, for sealed proposals, to be opened ten days after the last of said publications, by the City Treasurer, in presence of the President of the Common Council of said city for the surrender of bonds issued under this Act. The said advertisement shall state the amount of money on hand for the purposes of redemption, and they shall accept the lowest proposals at the rates, not exceeding par value, as will redeem the greatest amount of bonds until the amount of cash on hand is exhausted; *provided, however*, that in case a sufficient amount of such bonds shall not be offered as aforesaid to exhaust the Sinking Fund as appropriated to the payment of the principal of said bonds, then it is hereby made the duty of the City Treasurer to advertise in a newspaper printed and published in the Town of San Luis Obispo for two months, which advertisement shall state the amount in the Sinking Fund appropriated for the payment of bonds as provided in this Act, and the number of bonds, numbering them in the order of their issuance, which said fund is set apart to pay and discharge; and if such bonds so numbered in said advertisement shall not be presented for payment and cancellation within ten days after the expiration of publication of such notice, then said fund shall remain in the city treasury to discharge said bonds whenever presented; but such bonds shall not draw interest after the expiration of said ten days after publication of notice as last aforesaid.

Duty of  
Treasurer.

SEC. 5. The City Treasurer shall keep a full and true



account and record of his proceedings under this Act and of bonds issued, substituted, exchanged, surrendered, and redeemed; and he shall transmit to the Common Council of said city an annual report, showing all his proceedings under this Act.

SEC. 6. It shall be the duty of the City Treasurer to pay the interest on said bonds, when the same falls due, out of money in the city treasury appropriated to the payment of the interest on the bonds issued under the provisions of this Act; and if the amount of money in said treasury so appropriated to the payment of said interest is not sufficient to make such payment, then he shall pay said interest out of the General Fund.

SEC. 7. Immediately after the passage of this Act, the City Treasurer of said city shall provide suitable bonds under this Act, under the direction of the Common Council of said city, and at the expense of said city.

SEC. 8. After the issuance of said bonds and before any disposition thereof is made, the Common Council of said city shall, at a regular meeting of said Common Council, cause to be entered upon the record of the proceedings of said Common Council an order directing a notice to be inserted in some newspaper, printed and published in said city, and in other newspapers if they shall deem such additional publication necessary and proper, for not less than twenty days; said notice shall be directed to holders of bonds of the Town of San Luis Obispo, and shall contain an information to all parties holding bonds of said town that said Common Council is prepared to exchange bonds issued under this Act for and in lieu of bonds of the former Town of San Luis Obispo issued under the Act entitled "An Act to provide for the issuance of bonds of the Town of San Luis Obispo," approved March twentieth, one thousand eight hundred and seventy-six.

SEC. 9. At any time from and after the last publication of said notice to holders of bonds, any person who is the holder of bonds of the Town of San Luis Obispo, issued under the said Act, approved March twentieth, one thousand eight hundred and seventy-six, may file with the Clerk of the said Common Council sealed proposals, signed by the holder of such bonds or by his regularly constituted attorney in fact, or if such proposals be from a corporation, then by the Secretary and President of such corporation, for the exchange of bonds of the said town, issued under said Act, approved March twentieth, one thousand eight hundred and seventy-six; said sealed proposals shall contain a list of the bonds proposed to be exchanged, according to their numbers and amounts, and also the gross amount of bonds according to the principal in them named proposed to be exchanged, and an offer to exchange such bonds for and in lieu of a like amount of bonds issued under this Act.

SEC. 10. At the first regular meeting of said Common Council succeeding the filing of the proposal or proposals for the surrender of bonds, as hereinbefore provided, the said Common Council shall publicly open all proposals that

may have been filed in accordance with the provisions of the foregoing sections of this Act, and if upon inspection thereof it appears that such proposals are in accordance with the provisions of said sections hereof, then there shall be entered upon the minutes of the proceedings of said Common Council an order of acceptance of the proposal or proposals for exchange of bonds, and directing that the Treasurer of said city take from the person or persons named in each proposal for the surrender of bonds an exact description of the bonds proposed to be surrendered in accordance with the provisions of this Act, and to register such description in the account and record relating to the bonds of the Town of San Luis Obispo, as provided for by section eight of said Act, approved March twentieth, one thousand eight hundred and seventy-six; *provided*, that no proposal that contains a list and description of bonds for exchange less than ten in number, aggregating less than the sum of one thousand dollars as the principal in such bonds named, may be acted upon by said Common Council.

Exchange of  
bonds; how  
made.

SEC. 11. As soon as practicable after the entry of the order of acceptance of proposals for surrender of bonds and the entry of description of bonds proposed to be surrendered by the City Treasurer, as proposed by section ten of this Act, the said Treasurer shall, in the presence of the President and a quorum of the Common Council, proceed to exchange one bond issued as in this Act is provided, for and in lieu of ten of the bonds issued under the provisions of the said Act approved March twentieth, one thousand eight hundred and seventy-six; and he shall make an entry and description of each and every bond so exchanged, together with a description of the bonds received in lieu thereof in the record, as provided for by section five of this Act, and also a like entry and description in the record and account, as provided for in section eight of said Act approved March twentieth, one thousand eight hundred and seventy-six.

Bonds to be  
burned.

SEC. 12. Immediately after the entries of descriptions of bonds, as in the preceding section is provided, all the bonds received by said Treasurer in exchange, under the foregoing provisions of this Act, shall, in the presence of said President and said quorum of said Common Council, be publicly burned and destroyed by fire, and the said Treasurer shall, at the next regular meeting of said Council, file with the said Clerk a written report of his proceedings, in compliance with the provisions of this Act, which said report shall be copied at length in the minutes of the proceedings of said Common Council, for preservation.

SEC. 13. This Act shall take effect from and after its passage.

CHAP. CXCIV.—*An Act restricting the herding of sheep to certain pastures in the County of Modoc.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall not be lawful for any person or persons owning or having charge of any sheep within the County of Modoc to herd the same, or permit them to be herded, on the lands or possessory claims of other than the land or possessory claims of owners of such sheep. Certain herding declared unlawful.

SEC. 2. It shall not be lawful for any person or persons owning or having charge of any sheep to herd the same within one mile of actual settlers on any unoccupied lands of this State, or of the United States, where such herding may cause inconvenience to said actual settlers who have horses or cattle ranging on such unoccupied lands. Same.

SEC. 3. The owner or owners, or agents of such owners of sheep, violating the provisions of sections first and second of this Act, on complaint of the party or parties injured, and on conviction thereof before any Justice of the Peace for the township where either of the interested parties may reside, shall be liable to a fine of not less than twenty-five dollars nor more than two hundred dollars, and shall be liable to pay the party or parties injured in a further sum of not less than twenty-five dollars, in the nature of damages, for each day such violation of said sections first and second shall be permitted to continue. Penalty.

SEC. 4. Where the owner or owners, or the agents of such owners of sheep found trespassing upon the lands or possessory claims of another shall be unknown to the party or parties injured by such trespass, then all sheep found so trespassing may be treated as estrays, according to the provisions of an Act entitled an Act concerning estray animals, approved April nineteenth, A. D. eighteen hundred and fifty-six. Unknown owners.

SEC. 5. All fines imposed and collected under the provisions of this Act shall go to the School Fund of Modoc County.

SEC. 6. This Act shall be in force and effect from and after its passage.

CHAP. CXCV.—*An Act to authorize the construction and maintenance of a bridge across the Sacramento River, at the Town of Colusa.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. John F. Wilkins, Archey Wood, and Samuel M. Bishop, and their heirs and assigns, are hereby authorized to build bridge. Parties authorized to build bridge.

ized and empowered to build, erect, construct, and maintain a public toll-bridge across the Sacramento River, at the Town of Colusa, in the County of Colusa, and State of California, at a point on said river to be selected by said parties, and the right of way for said bridge, across said river, at such point, is hereby granted to them.

Require-  
ments

SEC. 2. Said toll-bridge shall be constructed in a good and substantial manner, and of the most durable materials, and shall have a draw opening of sufficient dimensions to admit the passage of all boats, crafts, and vessels plying upon said Sacramento River; and the said J. F. Wilkins, A. Wood, and Samuel M. Bishop, and their heirs and assigns, shall, at all times, keep said draw in good working order and condition, and shall allow any boat, craft, or vessel to pass at any time; and said Wilkins, Wood, Bishop, and their heirs and assigns, and each of them shall be liable for any damages that may accrue by neglect or inattention to their duties as prescribed in this Act, to be recovered in any Court of competent jurisdiction.

Bridge to be  
built within  
two years.

SEC. 3. The said J. F. Wilkins, A. Wood, and Samuel M. Bishop, their heirs and assigns, shall build, erect, and construct said toll-bridge within two years after the passage of this Act; and upon the completion thereof said parties, their heirs and assigns, shall be authorized and empowered to charge and collect toll for the use of said bridge for the period of twenty years, and may maintain said bridge during said period for that purpose; and the Board of Supervisors of the County of Colusa shall have power and jurisdiction to fix and establish the rate of toll to be so charged and collected thereon. And said Board shall also have power to prescribe the conditions upon which any railroad company having ten miles of track on the east side of the Sacramento River, terminating at said bridge and built during the existence of the franchise, may lay its track across said bridge and use the same. Construction trains shall have the right to pass over said bridge while building said ten miles of road upon terms prescribed by said Board of Supervisors.

Tolls fixed.

Speed of  
travel  
regulated.

SEC. 4. The owners of said toll-bridge may regulate the speed of travel, riding or driving, upon said bridge; and they shall keep in some conspicuous place, on each end of the bridge, a bulletin board, which shall contain the scale of tolls and rate of speed allowed on said bridge.

SEC. 5. Any assignment or transfer of said bridge, or the franchise herein granted, or any interest therein, or in the right to charge and collect tolls on said bridge, shall be by instrument in writing, signed by the party assigning or transferring the same, or by his agent thereunto lawfully authorized, and acknowledged and recorded in the office of the County Recorder of the County of Colusa.

Bridge liable  
to execu-  
tion, etc.

SEC. 6. Said bridge and the franchises herein granted shall be liable to execution, subject to taxation, and descend as other property; and no other bridge or ferry shall be established within one mile above or below said bridge without the consent of the owners thereof.

SEC. 7. Said J. F. Wilkins, A. Wood, and Samuel M.

Bishop, their heirs and assigns, are hereby authorized and constituted agents for the State of California to take such proceedings as are prescribed by the Code of Civil Procedure of this State to acquire sufficient land at either end of said bridge to rest the same upon, and on which to erect such toll-houses and other appurtenances as may be necessary to the maintenance of said bridge, including the right of way for roads leading to and from said bridge. And said bridge so constructed, and said roads, shall be public highways.

Manner of  
procuring  
land for  
bridge and  
toll-houses.

SEC. 8. Any person riding or driving over said bridge faster than the speed allowed by said bridge owners, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any Justice of the Peace, shall be fined in any sum not less than five nor more than twenty dollars and costs of prosecution.

Misde-  
meanor.

SEC. 9. This Act shall take effect on and after its passage.

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CHAP. CXCVI.—[See volume of *Amendments to the Codes.*]

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CHAP. CXCVII.—[See volume of *Amendments to the Codes.*]

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CHAP. CXCVIII.—*An Act to authorize the Board of Trustees of Zumwalt School District, in the County of Colusa, to borrow money for certain purposes, and to provide for the payment of the same.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. For the purpose of erecting a school house and furnishing the same, of Zumwalt School District, Colusa County, the Board of Trustees of said district are hereby authorized to borrow money, not to exceed the sum of ten thousand dollars, in gold coin of the United States, at a rate of interest not exceeding twelve per cent. per annum, payable annually, on the first day of January of each year, until paid, at the office of the Treasurer of Colusa County.

Trustees  
authorized  
to borrow  
money.

SEC. 2. Upon the payment into the county treasury of Colusa County of the amount of the loan, the Board of Trustees of Zumwalt School District are hereby authorized to issue certificates of indebtedness, in the name of the district, for the amount so loaned, payable on or before first day of

Issuance of  
certificates  
of indebted-  
ness.

January, one thousand eight hundred and seventy-nine, at the rate of interest agreed upon, not to exceed twelve per cent. per annum. Said certificates shall be signed by the Board of Trustees, or a majority of them, and be countersigned by the Superintendent of Public Schools of Colusa County, and shall be in sums not less than one thousand dollars each, and not to exceed ten thousand in the aggregate. Said certificates shall be a lien upon all property in said Zumwalt School District until paid.

**Interest tax.** SEC. 3. For the purpose of paying the interest on the debt contracted as provided in this Act, and providing for the payment of the principal, the Board of Trustees of said Zumwalt School District are hereby authorized, and it is made their duty, annually, in the month of May, to levy a special tax upon all the property in said district sufficient to pay the interest upon the amount so loaned and one-tenth of the principal of the amount for which certificates have been issued, which tax shall be assessed and collected as herein provided, and shall be paid into the county treasury, and by the County Treasurer set apart and constituted the "Zumwalt School District Fund." The Treasurer, out of this fund, shall, each and every year, on the first day of January, pay the interest that has accrued and one-tenth of the principal, until the whole amount has been repaid.

**Officers elected.** SEC. 4. Within ninety days after the passage of this Act, the Trustees of said Zumwalt School District shall call a special election for the purpose of electing a District Assessor and Collector, which election shall be governed by the laws relating to the levying and assessing of district school taxes. At least ten days' notice shall be given of such election, by posting notices in at least three public places in said district. The officers elected at such special election shall hold their offices for the term of two years, when their successors shall be elected by the voters of said Zumwalt School District. **Term of office.** The Assessor and Collector shall give bonds in the sum of five thousand dollars, or in such amount as the Board of Trustees of Zumwalt School District may deem necessary, and shall receive for his or their services such compensation as the Board of Trustees may allow. Nothing in this Act shall prevent the same person from acting both as Assessor and Collector. The officers shall be governed by the laws in force for the collection of State and county taxes. **Equalization.** The Board of Trustees shall sit as a Board of Equalization, after giving ten days' notice of such meeting, by posting at least three notices in public places, one of which shall be the school house, for at least three days and not more than five days.

**School Fund.** SEC. 5. The moneys collected under the provisions of this Act and paid into the county treasury shall be kept by the Treasurer as a separate fund, to be known as the "Zumwalt District School Fund," and the Treasurer shall pay the same out upon the orders of the Board of Trustees, or a majority of the Board, when such orders have been countersigned by the County Superintendent of Public Schools of Colusa County.

SEC. 6. The Board of Trustees of said Zumwalt School

District, before allowing any bills for the building of a school house and furnishing said school house, shall submit the same to the County Judge, County Superintendent, and the County Clerk of said Colusa County, who are hereby constituted a Board of Examiners for the purpose of examining such bills. If the said Board of Examiners approve the bills presented, they shall indorse their approval thereon, when the Board of Trustees shall draw their orders on the County Treasurer, payable out of the Zumwalt School District Fund, and no orders shall be drawn for any bill or account unless it has the approval of the Board of Examiners, or a majority.

Board of  
Examiners  
to approve  
work.

SEC. 7. The Board of Trustees of said Zumwalt School District are hereby restricted from selling or negotiating either or any of the certificates of indebtedness so issued as aforesaid for less than ninety-five per cent. upon each dollar of said certificate of indebtedness.

SEC. 8. On the first Monday of each year, commencing on the first day of January, A. D. eighteen hundred and seventy-nine, the owner or owners of certificate number one shall present for payment to the County Treasurer of said Colusa County certificate number one, and on each and every succeeding year the certificates of indebtedness shall be presented for payment according to the number which they bear. Said certificates shall be numbered from one up to ten; and it is further provided, that certificates shall not bear interest from and after their maturity. Upon the presentation of said certificates to the Treasurer aforesaid they shall be paid in the manner heretofore provided.

Payment of  
certificates;  
how made.

SEC. 9. Before this Act shall take effect, the question of incurring the debt therein provided for shall be submitted to a vote of the people of said school district for their approval, in accordance with the law relating to district school taxes, from sections eighteen hundred and thirty to eighteen hundred and fifty-two, inclusive, of the Political Code.

CHAP. CXCI.—*An Act amendatory of an Act entitled an Act to protect agriculture and to prevent trespassing of animals upon private property in the County of San Diego, approved March twenty-fourth, eighteen hundred and seventy-six.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two of said Act is hereby amended to read as follows: Section 2. When the owner or owners of animals taken up are known, and said owner or owners reside in or near the township, they shall be personally notified or by written notice directed to them and left at their usual place of residence; but if at a great distance from the

Notification  
of owners  
of animals  
taken up.

place of taking up, the notice of such detention, and the reason therefor, shall be served by depositing the same, postage paid, in the nearest post-office, directed to the owner at a post-office at or near his or their place of residence. When the owner or owners are not known to the person taking up the animals, written notices containing a description of the animals, their marks and brands as nearly as can be reasonably ascertained, and stating the cause of detention, shall be posted conspicuously in three public places in the township.

Filing of  
complaint.

SEC. 2. Section three of said Act is hereby amended to read as follows: Section 3. At the expiration of ten days, if the animal or animals have not been applied for, or if they have, and the parties do not agree on the amount of damages and compensation, the taker up shall file a complaint, verified by his oath, with the Clerk of the District Court, setting forth the nature and location of the alleged damages, the amount he claims against said animal or animals, and that he actually sustained the damages claimed.

Actions;  
against  
whom  
instituted.

SEC. 3. Section four of said Act is hereby amended to read as follows: Section 4. When the owner is known, the action shall be against such owner or owners, and the summons shall be served and returned as in other actions; when the owner or owners are not known, the action shall be against the property *in rem.*, and the summons shall be directed to unknown owner or owners of said animal or animals, describing them therein; and any action thus commenced may include all the animals found doing damage, whether of one or more marks or brands, and the summons shall be served by the Sheriff of the county by posting a copy at the Court-house door in San Diego City, and shall be returnable in not less than ten days from its date, and shall be posted up at least eight days before the trial; and no judgment shall be entered up under the provisions of this Act by default, but the damage done shall be proven by one or more creditable witnesses. If judgment be in favor of plaintiff, the property may be levied upon and sold as other personal property seized on execution; *provided*, that no animal shall be exempt from execution and sale to satisfy a judgment that may be obtained for damage done by such animal. If the judgment be for the defendant, the plaintiff shall pay such costs and damages as may be awarded by the Court. The officer selling property under this Act shall give a bill of sale to the purchaser, describing the animal or animals sold, the price paid therefor, and stating that it or they were sold by authority of this Act. Any overplus of the proceeds of such sale, after satisfying the judgment and costs, shall be paid on the order of the Court to the owner or owners of the animals sold, if demanded within three months from the date of sale; otherwise, at the expiration of three months it shall be paid into the county treasury, for the benefit of the County School Fund.

Officer to  
give bill of  
sale.

Duty of  
Clerk of  
Court.

SEC. 4. Section six of said Act is hereby amended to read as follows: Section 6. The Clerk of Court shall make a record in his docket of all animals sold under the provisions of this Act, which shall be open to inspection, which record



shall contain the description of the animals, their marks and brands, the name of the purchaser, his usual place of residence, the amount of purchase money, damages, fees, and charges, and the surplus money, if any, arising from each sale; and if said surplus money shall be received by the owner, he shall receipt for it on the margin of the docket.

SEC. 5. Section seven of said Act is hereby amended to <sup>Fees.</sup> read as follows: Section 7. The fees of all officers for services required under this Act shall be the same as allowed for similar services in other civil actions.

SEC. 6. The said Act is hereby further amended by the addition of the following sections, to be known as sections thirteen, fourteen, and fifteen of said Act, and to be in full force and effect as a part thereof: Section 13. The owner or occupant of lands, whether inclosed or not, upon which damage has been done by any of the animals referred to in this Act may, instead of pursuing the remedy given in this Act, have an action in any Court of competent jurisdiction against the owner of such animal, for damages and the cost of keeping the animals, as in this Act specified, up to the time of trial of said action. Section 14. If the owner or occupant of land intends to institute proceedings under the preceding section, he must: First, within ten days after the damage was done; cause the same to be viewed and estimated in writing by two residents of the county, competent to be witnesses on the trial of such action; second, such action shall be brought within ten days after the damage was done. Section 15. For the purpose of allowing the plaintiff better security for the payment of any judgment he may recover in actions brought under the two preceding section of this Act, all the provisions of the Code of Civil Procedure of this State, relating to attachment process, shall apply to such actions, subject only to the modifications herein contained, to wit: Instead of filing the affidavit on attachment required by sections five hundred and thirty-eight and eight hundred and sixty-six of said Code, the plaintiff is entitled to the issuance of a writ of attachment against the property of the defendant, upon filing his complaint stating a cause of action, verified according to the law concerning the verification of pleadings. <sup>Damages; how recovered.</sup> <sup>Considerations necessary in instituting proceedings.</sup> <sup>Writ of attachment.</sup>

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAP. CCI.—*An Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April first, eighteen hundred and seventy-six.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Compensation of certain officials.

SECTION 1. Section twenty-two of said Act is hereby amended to read as follows: Section 22. The Board of Trustees shall regulate and fix, by ordinance, the compensation to be paid to the Town Recorder, Marshal, Treasurer, and Secretary; *provided*, that the Town Recorder shall not receive, as compensation for his services, more than six hundred dollars annually, nor the Town Marshal more than fifteen hundred dollars annually, nor the Town Treasurer more than one hundred dollars annually, nor the Town Secretary more than three hundred dollars annually, which amounts, when collected, shall be paid out of the town treasury; and all fines, fees, or other compensation received by any of said officers shall be paid by them into the town treasury to the credit of the Common Fund. But in no case shall any services performed by any of said officers be a charge against the County of Colusa.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCII.—*An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Compensation of Sheriff.

SECTION 1. Section five of said Act is hereby amended so as to read as follows: Section 5. The Sheriff shall receive in full compensation for services of himself, deputies, jailers, and assistants, the sum of five thousand dollars per year, to be paid quarterly out of the General Fund, and mileage, as now provided for by law, in criminal cases only. He shall also be allowed to retain for his own use, the amount allowed by the State for the conveyance of prisoners to the State Prison, and the conveyance of insane persons to the Insane Asylum. He shall also be allowed for the boarding of prisoners, a sum not to exceed twenty-five cents per meal, and not to exceed fifty cents per day.

Salary of District Attorney.

SEC. 2. Section eight of said Act is hereby amended so as to read as follows: Section 8. The District Attorney shall receive a salary of two thousand dollars per year, payable

monthly. He is hereby authorized and empowered to appoint a deputy to reside at Chico, who may be removed at the pleasure of the District Attorney, and who shall receive a salary of fifty dollars per month, payable in the same manner as the District Attorney is paid. In addition to the above, the District Attorney shall be allowed to charge and receive ten per cent. upon all forfeited bonds and recognizances collected by him or his deputies. He shall also be allowed to charge and receive for each conviction had by him or his deputies, and which shall be collected from the fines paid by the defendant, and in no case to become a county charge, the following fees: Under the Act to prohibit gaming, lotteries, etc., fifty dollars; for each conviction for felony, twenty-five dollars; for each conviction for misdemeanor, fifteen dollars; also, the fees provided for in sections one thousand eight hundred and forty-eight, and three thousand five hundred and thirty-three, Political Code.

SEC. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 4. This Act shall take effect and be in force on and after the first Monday in March, one thousand eight hundred and seventy-eight.

CHAP. CCCIII.—*An Act to provide a fund for the payment of certain indebtedness of Humboldt County.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Humboldt County are hereby authorized to examine, and if found correct, to allow and approve all claims against said county accruing prior to the first day of July, A. D. eighteen hundred and seventy-eight, and to direct that the same be paid out of the fund created by this Act. Authorizing payment of claims.

SEC. 2. Interest shall be allowed on each claim referred to in the preceding section at the rate of seven per cent. per annum from the date when the same was filed with the Clerk of the Board of Supervisors for allowance; and when allowed, the Board of Supervisors shall direct that a warrant issue therefor, payable out of the fund provided for in section three of this Act. Said warrants shall draw interest at the rate of seven per cent. per annum, and shall be paid in the order of their registration with the County Treasurer. Interest on claims.

SEC. 3. For the purpose of paying said claims, and all warrants on the Salary Fund of said county remaining unpaid on the first day of July, eighteen hundred and seventy-eight, the Board of Supervisors of said county are hereby authorized and required, each year until said indebtedness is fully paid and discharged, at the time of levying Tax levied.

other taxes for county purposes, to levy a tax not exceeding ten cents on each one hundred dollars' value of taxable property in said county. Said tax, when collected, shall be set apart and paid into a fund to be known as the Redemption Fund.

SEC. 4. This Act shall take effect and be in force from and after its approval by the Governor.

CHAP. CCIV.—*An Act in relation to Swamp Land District Number Three Hundred and Seven, and legalizing certain proceedings therein.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Assessment  
ratified and  
confirmed.

SECTION 1. The assessment of the land for reclamation purposes in Swamp Land District Number Three Hundred and Seven, known as the Lisbon Swamp Land District, in the County of Yolo, and State of California, made by George F. Cornish, A. A. Krull, and R. F. Hester, as Commissioners appointed for that purpose by the Board of Supervisors of Yolo County, upon estimates of costs of reclamation reported to said Board of Supervisors by Wm. Gwynne, Stanton Myers, and J. H. Cave, as Trustees of said district, is hereby ratified and confirmed and declared legal and valid to all intents and purposes.

Trustees  
declared.

SEC. 2. The fifteenth section of the by-laws of said swamp land district, so far as the same purports to elect Wm. Gwynne, Stanton Myers, and Jesse H. Cave, Trustees of said district, is hereby ratified and confirmed, and said Wm. Gwynne, Stanton Myers, and Jesse H. Cave, are hereby declared to be Trustees of said district until the first Monday of November, eighteen hundred and seventy-eight, and until their successors shall be elected and qualified; and in case of a vacancy in the office of Trustees, by resignation of any one of the Trustees or otherwise, such vacancy, for the unexpired term, shall be filled by the remaining Trustees.

SEC. 3. The Trustees of said district shall own land therein, and shall be chosen by the consent of the land owners in said district representing a majority of the acreage of the land therein.

SEC. 4. This Act shall take effect on and after its passage.

CHAP. CCV.—*An Act for the relief of Thomas Molloy, Road Overseer of Brooklyn Road District, Alameda County.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Auditor of Alameda County is hereby directed to draw his warrant upon the Brooklyn District Road Fund for the sum of one thousand dollars, in favor of Thomas Molloy, Road Overseer of said district, in consideration of services rendered from June, eighteen hundred and seventy-four, to January, eighteen hundred and seventy-eight, and in addition to the amount already allowed; said warrant to be paid in the same manner as other warrants drawn upon said fund.

Appropriation authorized.

SEC. 2. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. CCVI.—*An Act to regulate the salary of the Road Overseer of Brooklyn Road District, Alameda County.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. From and after January first, eighteen hundred and seventy-eight, and so long thereafter as Brooklyn Road District, in Alameda County, as now constituted, shall remain undivided, the Road Overseer of said road district shall receive for his services, from moneys coming into his hands as such Road Overseer or into said fund, the sum of five hundred dollars per annum, to be allowed and ordered paid by the Board of Supervisors of said county, one-half of said sum to be paid in July and one-half in December of each year; *provided*, that if, at any time after the passage of this Act, said Brooklyn Road District shall be divided into two or more road districts, the Road Overseer, of said last mentioned road district shall receive for their services the same compensation as other Road Overseers in said county.

Salary of Road Overseer.

SEC. 2. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. CCVII.—*An Act relative to the appropriation of moneys by the Common Council of the City of Oakland to certain benevolent societies out of the public funds of said city.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Money ap-  
propriated  
for chari-  
table  
societies.

SECTION 1. The Common Council of the City of Oakland may, at its discretion, appropriate monthly out of the moneys now or hereafter to be collected as fines in the Police Court of said city, one-fourth of said amounts so collected, for the use and benefit of the Oakland Benevolent Society and the Ladies' Relief Society of said city, and each society shall receive an equal portion of the amount so appropriated; *provided*, the same shall be expended for charitable purposes exclusively.

SEC. 2. This shall take effect immediately.

CHAP. CCVIII.—*An Act amendatory of and supplementary to an Act entitled "An Act appointing and empowering Chas. F. Irwin a Trustee to execute certain trusts, directing the manner of executing the same, and the use of the funds issuing therefrom," approved March eighth, eighteen hundred and seventy-six.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Presentation  
of affidavit.

SECTION 1. Section two of said Act is hereby amended so as to read as follows: Section 2. Every person, company, or corporation, claimant of any lot or parcel of land within the limits of said city, who, prior to the passage of this Act, shall not have complied with the provisions of the said Act of March twenty-fourth, one thousand eight hundred and sixty-eight, or with the provisions of an Act of the Legislature of this State entitled "An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city," approved March twenty-eight, one thousand eight hundred and seventy-four, may at any time prior to the first day of June, A. D. one thousand eight hundred and seventy-eight, present to said Trustee, Charles F. Irwin, an affidavit, verified in person, or by duly authorized agent or attorney, in which affidavit shall be concisely stated the facts constituting the possession or right of possession of the claimant, and showing to the best of affiant's knowledge and belief that said claimant is entitled to the possession of such lot or parcel of land as against all other persons or associations, to which affidavit shall be attached a copy of so much of the plat of said city as will fully

exhibit the particular lot or parcel of land so claimed, with the abutments. And every such claimant, at the time of presenting such affidavit, shall pay to said Trustee, for the uses hereinafter prescribed, such sum of money as shall be due thereon for assessment, as mentioned or required by section six of said Act of March twenty-fourth, one thousand eight hundred and sixty-eight, or by any other Act or Acts relating to the same subject; and said Trustee shall thereupon give to such claimant a certificate, containing a description of the lot or parcel of land claimed, and setting forth the amount paid thereon by said claimant.

Payment of  
assessment.

SEC. 2. Section three of said Act is hereby amended so as to read as follows: Section 3. At the expiration of thirty days from and after the first day of June, one thousand eight hundred and seventy-eight, any person, association, or claimant to whom a certificate shall have been issued, as provided in the preceding section, or who may heretofore have received a similar certificate from the corporate authorities or City Clerk of said city, may present the same to said Trustee, and if no adverse claim shall have been presented to said Trustee, he shall execute and deliver to such claimant, or to his, her, or their heirs, administrators, assigns, or legal representatives, a deed of the premises described in such certificate, designating and describing the same by number of the lot and block, as shown upon the official plat and map of said city; and that all deeds heretofore executed and delivered by said city authorities, or by any de facto Trustee of said trust, to any claimant or claimants, his, her, or their assigns and legal representatives, are hereby legalized, confirmed, and established, and shall be taken, deemed, and adjudged as good and sufficient conveyances, in fee simple, of the lot or lots, land or lands therein described.

Deed of  
premises.

Certain  
deeds  
legalized.

SEC. 3. Section four of said Act is hereby amended so as to read as follows: Section 4. In case of any adverse claim to any such lot or parcel of land, or conflict of boundary lines relating thereto, the party out of possession shall commence his action in a Court of competent jurisdiction, within thirty days from and after said first day of June, one thousand eight hundred and seventy-eight, and shall, within said time, serve a notice of the pendency of such action upon said Trustee; and said Trustee shall execute and deliver a deed in accordance with the final judgment rendered in such action; *provided*, if no such action shall be commenced within thirty days from and after said first day of June, one thousand eight hundred and seventy-eight, a deed shall be executed and delivered by said Trustee to the party in possession, who shall have made the proof and payment as hereinbefore provided.

Adverse  
claims, how  
settled.

SEC. 4. If any person, association, or corporation claimant of any of said lands, who has not already made proof and payment for the same as required by law, shall fail, neglect, or refuse to make application to said Trustee for a deed of conveyance to the lands so claimed, and to make the proofs and payment for the same as hereinbefore provided, on or before the first day of June, one thousand eight hundred

Sale of delin-  
quent land.

and seventy-eight, the same shall be deemed delinquent for the amount of assessments due thereon, to be determined in accordance with the provisions of said Act of March twenty-fourth, A. D. one thousand eight hundred and sixty-eight. The said Trustee shall proceed to offer, at public auction, in front of the Court-house in said city, to the highest bidder, for gold and silver coin, all such parcels of land so delinquent, after first giving notice of the time and place of sale, by publication in a weekly newspaper published in said city, if there be one, if not then by written or printed notices, posted in three public places in said city, for a period of not less (than) twenty days. Such notice shall state the number of the lot and block, and the amount of the assessment due upon each lot so delinquent. Said Trustee shall give to the purchaser at such sale a certificate of his purchase, setting forth therein the number of the lot sold, and the number of the block in which the same is situated, the amount paid therefor, and that the same is subject to redemption as prescribed in the next section; *provided*, that no sale shall be made for less than the whole amount of assessments and the costs of making the sale, which costs shall be divided pro rata among the several parcels offered for sale.

Trustee  
to give cer-  
tificate of  
purchase.

Redemption  
of land;  
how made.

SEC. 5. At any time within three months after such sale, the original claimant or his successor in interest of any lot so sold, may redeem the same by paying to the purchaser, or the said Trustee for the purchaser, in gold or silver coin, the amount of such purchase money, with ten per cent. thereon added; but in case no redemption be made, the purchaser, his heirs, or assigns shall be entitled to demand and receive from said Trustee a deed of such premises, which deed shall be absolute against the parties delinquent, and shall entitle the grantee, his heirs and assigns to a writ of assistance from the District Court having jurisdiction in the premises. In case a redemption be made as herein provided, said Trustee shall, from the money received of the purchaser at such sale, deduct the amount of the delinquent assessment upon any such lot, together with the costs of sale, and pay over the residue, on demand, to the redemptioner or his assigns.

CHAP. CCIX.—*An Act to authorize the formation of a new school district out of portions of other school districts in Lake County.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

School  
district  
formed.

SECTION 1. The Board of Supervisors of Lake County may at their option, and if they shall deem it for the best interest of all the parties concerned, form a new school district of the western portion of Uncle Sam School District,



and portions of adjoining districts, when the parents or guardians of fifteen census children residing in such proposed new district present a petition to the Board of Supervisors, setting forth the boundaries of the said district asked for, and an actual necessity therefor.

SEC. 2. This Act shall take effect immediately.

CHAP. CCX.—*In relation to the collection of licenses in Alameda County.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It is hereby made the duty of the Constables <sup>Duty of Constables.</sup> of Alameda County to enforce the collection of licenses in their respective townships, and to require any person who carries on or attempts to carry on business to first procure a license, as is now provided by law, from the License Collector; *provided*, nothing in this Act shall apply to any incorporated city or town.

SEC. 2. In case any Constable in said county discovers <sup>Power of same.</sup> any person or persons within his township violating any of the provisions of the Political Code of the State of California in relation to the collection of taxes he shall have the same power to enforce the collection and receive the same compensation as allowed the Collector and as provided in section three thousand three hundred and sixty of said Code.

SEC. 3. Any license tax recovered under the provisions of this Act shall, within ten days from its receipt, be paid over to the License Collector of said county.

SEC. 4. This Act shall be in force from and after its passage.

CHAP. CCXI.—*An Act to amend an Act entitled an Act to fix the salary and bonds of the Treasurers of Fresno and Kern Counties, approved March the third, eighteen hundred and seventy-four.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Treasurers of Fresno and Kern Counties shall receive, in full compensation for all their official services <sup>Compensation of Treasurers.</sup> as Treasurers, as required by law or by virtue of their offices, the sum of fifteen hundred dollars per annum; *provided*, that they shall also receive for their own use and benefit all commissions, percentage, and mileage, now allowed by law.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCXII.—*An Act to amend an Act entitled an Act to fix the compensation of the Assessor of Inyo County, approved February twenty-eighth, one thousand eight hundred and seventy-six.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Salary of  
Assessor.

SECTION 1. Section first of said Act is hereby amended so as to read as follows: Section 1. The salary of the Assessor of Inyo County shall be twelve hundred dollars per annum, and shall be paid as follows: six hundred dollars on the first Monday in May, and six hundred dollars on the first Monday of August of each year.

SEC. 2. This Act to take effect and be in force from and after its passage.

CHAP. CCXIII.—*An Act to amend an Act entitled an Act concerning county officers of Lake County, and to regulate the fees and salaries thereof, approved March twenty-first, eighteen hundred and seventy-six.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Fees of  
office.

SECTION 1. Section ten of said Act is hereby amended so as to read as follows: Section 10. All officers mentioned in this Act who are authorized to collect fees shall, before performing any service for which they are required by this Act to charge and collect any fees, shall demand and collect from the party requiring such service the amount of fees they are required to charge and collect, and in case the exact amount of said fees cannot be ascertained before the performance of the service, they shall demand and receive from such party such reasonable amount, as a deposit, as in their judgment shall be sufficient to cover the amount of said fees; *provided*, that no fees shall be demanded in advance for any services rendered Lake County, nor for any services rendered executors or administrators of the estates of deceased persons, nor for any services rendered guardians of the persons or estates of minors or incompetent persons; *provided further*, it shall be the duty of the Probate Clerk to keep an account of all services rendered executors, administrators, or guardians,

Duty of Pro-  
bate Clerk.

and collect all fees therefor as provided for by the probate laws of this State, and to pay the same into the county treasury.

SEC. 2. This Act shall take effect immediately.

CHAP. CCXIV.—*An Act to authorize the Board of Supervisors of San Diego County to transfer certain funds of said county.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the County of San Diego are hereby authorized and empowered, whenever they may deem it for the best interest of the county so to do, to apply any surplus funds there may be in the Hospital Fund of said county to the payment of the incidental expenses of the Court-house and Jail of said county. Application of surplus funds.

SEC. 2. The Board of Supervisors of said County of San Diego are hereby authorized and empowered, whenever they may deem it for the best interest of said county so to do, to order the transfer of the Swamp Land Fund of said county to the Contingent Fund thereof, which said transfer of said Swamp Land Fund to said Contingent Fund shall be deemed a loan from the said Swamp Land Fund to the Contingent Fund of said county. Transfer of certain moneys.

SEC. 3. Whenever it shall become necessary to repay the amount so loaned from the said Swamp Land Fund to the said Contingent Fund, the said Board of Supervisors shall cause a warrant to be drawn upon said Contingent Fund for the amount so loaned, and said warrant shall be a preferred claim upon said Contingent Fund over and above all warrants outstanding against said fund, and shall be paid out of the first money or moneys received in said Contingent Fund. Repayment of loan.

SEC. 4. This Act to be in force from and after its passage.

CHAP. CCXV.—*An Act authorizing the Board of Supervisors of the County of Stanislaus to provide means for the payment of certain indebtedness of said county.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the County of Stanislaus is hereby authorized to issue the bonds of said Issuance of bonds.

Denomina-  
tion.

Certain  
officers to  
keep list  
of bonds.

Payment of  
principal  
and interest;  
how made.

Sale of  
bonds.

county for a sum not exceeding twenty thousand dollars, payable in twelve years, in manner as follows: Ten per centum of the total amount issued on the second Monday in January of each year from and after the second year after their issuance. Said bonds shall bear interest from the date of their issuance at the rate of eight per centum per annum, interest payable semi-annually on the second Mondays of January and July in each year after their issuance. The principal and interest of said bonds shall be payable in United States gold coin, at the office of the County Treasurer of said county. Said bonds must be issued in denominations of five hundred dollars each; they must be numbered consecutively, and signed by the Chairman of the Board of Supervisors of said Stanislaus County, and by the Auditor and Treasurer of said county. Each of said bonds must have attached thereto coupons for the interest to grow due thereon. Each of said coupons must be numbered consecutively, and signed in the same manner as the bond; and each coupon must represent the full semi-annual interest, except the first, which must represent the interest to accrue upon said bond from the date of its issuance until the next following pay-day. The Clerk of the Board, the County Auditor, and County Treasurer of said county, must each keep a list of said bonds showing the amount of bonds issued, their number, the date of their issuance, and the person to whom issued; which list, during office hours, shall be open to the inspection of the public. Said bonds, from the time of their issuance and until they are paid, herein provided, shall constitute a lien upon all property in said county.

SEC. 2. The principal and interest to grow due on said bonds shall be paid out of the Road Fund of said county; and the Board of Supervisors in estimating the amount of taxes to be levied for road purposes, in each year, shall take into consideration the amount necessary to make the payment hereinbefore required, and add the amount to the sum estimated as being necessary to meet the current demands upon said fund, and establish the tax at a rate sufficient to raise such aggregate sum.

SEC. 3. The Board of Supervisors of said county are hereby authorized to sell said bonds for gold coin to the highest bidder, after advertising for at least twenty days in one newspaper published in said county, and in one daily newspaper in the City of San Francisco, for sealed proposals to purchase such bonds. The Board, in such advertisement, may reserve the right to reject any or all bids which in its judgment may be too low in price; and *provided*, that none of said bonds, under any circumstances, shall be sold at less than par.

SEC. 4. The money derived from the sale of bonds shall be paid into the county treasury and credited to the County Road Fund.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCXVI.—*An Act to ratify and validate a certain contract of the City and County of San Francisco.*

[Approved March 13, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Board of Supervisors of the City and County of San Francisco having, on the seventh day of February, A. D. eighteen hundred and seventy-six, duly passed a resolution known and numbered resolution number 8326 (new series), of which the following is a copy, to wit: Resolution No. 8326 (new series). *Resolved*, That the Committee on Water and Water Supplies be and is hereby authorized and empowered to enter into a contract with John F. Swift, Esq., to act as special counsel for this city and county, in defending suits brought by the Spring Valley Water-works for payment of demands and claims for water furnished and to be furnished for municipal purposes, and in all litigation to determine the right of the city and county to the free use of water for all municipal purposes; conditioned, that the sum of \$5,000 shall be paid as a retainer for his services, and that fifteen per cent. on the first \$100,000 saved the city and county, and ten per cent. upon all other sums saved, shall be paid for his services to be rendered in said litigation; *provided*, that in no event shall such compensation in the aggregate exceed the sum of \$25,000; *also provided*, that no payments shall be made until said contract is first approved and ratified by the Legislature of this State. And the Clerk is hereby directed to advertise this resolution as required by law. In Board of Supervisors, San Francisco, Feb. 7th, 1876, adopted by the following vote: Ayes—Supervisors Drucker, Edwards, Bryan, Wise, Shine, Hayes, Strother, Boyce, Roberts, Gibbs, McDonald. Excused from voting—Supervisor Eaton. John A. Russell, Clerk. And the Committee on Water and Water Supplies of said Board of Supervisors having afterwards, to wit, on the 12th day of February, 1876, acting for said city and county, in pursuance of said Resolution No. 8326 (new series), duly entered into a contract with said John F. Swift, Esq., whereby the said Swift agreed to act as special counsel for the City and County of San Francisco in defending suits brought by the Spring Valley Water-works against said city and county for payment of demands and claims for water for municipal purposes, and in all litigation to determine the right of said city and county to the free use of water from said water company for all municipal purposes, and said Committee on Water and Water Supplies, acting for said city and county, having duly agreed that said city and county should pay said Swift for his said services the compensation provided for in said resolution, and the said Swift having performed the services agreed to by him in his said contract, thereby saving directly to said city and county more than three hundred and fifty thousand dollars up to this date, besides securing the right to said city from said

Resolution published.

Contracts  
ratified.

Payment  
of claim  
authorized.

company of receiving free water for municipal purposes, for which services he has not been paid, in whole or in part, and cannot be paid until said contract is ratified and confirmed by the Legislature of the State; it is hereby enacted and provided, that said Resolution No. 8326 (new series), and the said contracts are and each of them is hereby ratified, confirmed, and rendered valid and binding upon said City and County of San Francisco, and said Board of Supervisors are hereby authorized and directed to allow and pay out of the General Fund of said city and county, to said John F. Swift, the money named in said resolution and contract, as the same shall become payable according to the terms of said contract, amounting in the aggregate to twenty-five thousand dollars, U. S. gold coin, and no more. And the Auditor of said city and county shall audit the same upon said fund, and the Treasurer shall upon presentation pay the same in gold coin out of said fund; *provided*, that nothing herein shall be construed to allow said John F. Swift to receive any part of the percentage compensation provided for in said contract until the Supreme Court shall have finally decided in favor of the city the suit under which the same shall be claimed.

SEC. 2. This Act shall take effect immediately.

CHAP. CCXVII.—*An Act for the relief of John A. Odell.*

[Approved March 14, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation  
authorized.

SECTION 1. The sum of thirteen hundred dollars is hereby appropriated out of any moneys not otherwise appropriated, in the Folsom Branch State Prison Fund, to pay the claim of John A. Odell for services rendered as Superintendent of the Branch State Prison at Folsom, during the years one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of said John A. Odell for the said sum of thirteen hundred dollars, and the Treasurer of State is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAP. CCXVIII.—*An Act to incorporate the Town of Etna, Siskiyou County, California.*

[Approved March 13, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The inhabitants of the Town of Etna are hereby constituted a body corporate and politic, under the name and style of the Town of Etna, and by that name and style they and their successors shall be known in law, have perpetual succession, and be invested with all the rights and privileges conferred by, and be subject to all the liabilities, and restrictions, and provisions of an Act entitled "An Act to provide for the incorporation of towns, approved April nineteenth, one thousand eight hundred and fifty-six, so far as the provisions of said Act may be consistent with the provisions of this Act.

SEC. 2. The boundary of said Town of Etna shall be as follows: The same as surveyed, made, and established, and as appears by the plot and copy of field notes of the survey of said Town of Etna, made and returned by A. M. Jones on the sixteenth day of July, one thousand eight hundred and seventy-five, to the County Judge of said Siskiyou County, and filed in the office of the County Recorder of said county.

SEC. 3. A Board of five Trustees (one of whom shall be elected President of the Board), one Recorder, who shall act and be ex officio Secretary of the Board, a Treasurer, Assessor, and Marshal shall be elected by the qualified electors of said town on the first Monday in May, one thousand eight hundred and seventy-eight, and shall hold their offices for the term of one year, and until their successors are elected and qualified; *provided*, that notice of the first election of officers must be given by the County Judge of Siskiyou County, by publishing the same in a newspaper published in said county four weeks successively, designating the officers to be elected, the polling places, and the officers of election; *provided also*, that the returns must be made to the County Judge, who must count and declare the vote and issue certificates of election.

SEC. 4. The Trustees of said town shall have power to make such by-laws and ordinances, not inconsistent with the laws of the United States and of this State, as they may deem necessary, to prevent and remove nuisances; to prohibit disorderly conduct; to provide for licensing public shows and lawful games, and bars at which spirituous liquors are sold; to construct works necessary for daily supplying the town with water for irrigating and other purposes; to provide such means as they may deem necessary to protect the town from injuries by fire; to levy and collect annually, if deemed necessary, a tax on all property in said town, not exceeding one-quarter of one per cent. on the assessment valuation thereof; to impose and collect a poll tax of not exceeding one dollar per annum on every male inhabitant of twenty-one years of

age and upwards; to impose and collect on dogs a tax not exceeding one dollar per annum on every dog found or owned within the corporate limits of said town; and to pass such other by-laws and ordinances for the regulation and police of said town as they may deem necessary. But they shall not have power to contract any debt or debts which, singly or in the aggregate, shall exceed the sum of two hundred and fifty dollars, unless by the consent of the majority of the voters of said town, of which voting shall be at a special election ordered by the Trustees of said town, of which election public notice shall be given by notice posted, or by publication in a newspaper, if there be one in said town, for at least ten days prior to such election. But no such indebtedness shall be contracted or incurred when the aggregate indebtedness of said town shall exceed five hundred dollars.

Board of  
Equaliza-  
tion.

SEC. 5. Said Board of Trustees shall, in the event of a tax being levied under this Act and an assessment made, shall sit as a Board of Equalization for not less than two days, notice of which session shall be given by publication or by posting notices in three conspicuous places in said town for at least ten days preceding the time fixed, that such assessment roll is open for inspection, and that said Board will sit as a Board of Equalization and hear all complaints. They may require testimony, and increase or diminish the assessment of particular persons or property, or add any property that may have been omitted, as may be just and equitable.

Compensa-  
tion of  
officers.

SEC. 6. The compensation of said Board of Trustees shall not exceed one dollar per annum each. The Clerk of said Board shall receive not to exceed twenty-five dollars per annum. The Treasurer shall receive not to exceed twelve dollars per annum. The Assessor shall receive not to exceed fifteen dollars per annum. The Board of Trustees shall prescribe the duties and fix the compensation of the Marshal, either by salary, or fee, or percentage.

Political  
Code made  
applicable.

SEC. 7. The manner of making assessments and collecting town revenue shall be fixed by ordinance, and the provisions of "An Act to provide revenue for the support of the government of this State, approved March 12, 1872, and entitled the Political Code of the State of California, with the amendments thereto, so far as the same apply to proceedings at law to enforce the collection of delinquent taxes, and are not inconsistent with the foregoing provisions of this Act, are made applicable to this Act and to proceedings to enforce the collection of the aforesaid taxes.

Power of  
Trustees.

SEC. 8. The Board of Trustees of said town shall have power to collect from the Road Supervisor or Overseer of Rough and Ready Road District one-fourth of all moneys collected by him within the bounds of this incorporation as a road tax, and appropriate the same to keeping the streets in repair. But said Board may, at any time when public convenience requires, donate said sum so collected to the improvement of any public road leading to said town, and within said Rough and Ready Road District.

SEC. 9. The Recorder of said town shall have jurisdiction of criminal cases for violation of any of the ordinances



passed or ordained by said Board of Trustees for the government of said town.

SEC. 10. The Board of Trustees shall, by ordinance, fix the penalties of every violation of the ordinances of said town; said penalties may be fine or imprisonment, or both.

SEC. 11. All elections held for the election of officers or for other purposes, by the electors of said town, shall be held under and by virtue of the mode prescribed for holding elections of this State. The voting must be by ballot. The form of ballot shall be such as may be prescribed by the Board of Trustees, and in case of the resignation and disqualification of any of the officers mentioned above, the Board of Trustees shall order a special election to fill the vacancy thus created, by notices posted in three public places in said town; said election to take place not less than three weeks from the date of said notice, and the election to be held in accordance with the laws of the State of California in such cases made and provided.

Elections,  
how held.

SEC. 12. This Act shall take effect from and after its passage.

CHAP. COXIX.—*An Act concerning the water front of the City and County of San Francisco.*

[Approved March 15, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. So much of the line for a harbor embankment or sea-wall of the Port of San Francisco, adopted on the twelfth day of September, one thousand eight hundred and seventy-seven, by the Governor, the Mayor of the City and County of San Francisco, and the State Harbor Commissioners, and indicated on the maps filed in the office of the said Board of Harbor Commissioners and of the Recorder of the City and County of San Francisco, as extends from the east line of Taylor Street to the boundary line between the City and County of San Francisco and the County of San Mateo, is hereby ratified and confirmed, and shall be known as the "Water Front Line" of the City and County of San Francisco; and so much of said line of harbor embankment or sea-wall as extends from the east line of Taylor street to the eastern line of the Presidio Reservation is hereby annulled and vacated.

Line for  
harbor em-  
bankment  
ratified.

SEC. 2. The inshore limit of the jurisdiction of the Board of State Harbor Commissioners shall be and remain the same as defined in section twenty-five hundred and twenty-four of the Political Code; but when any section of the sea-wall and thoroughfare hereinafter mentioned is constructed and ready for use, then the inshore limit of their jurisdiction as to such section shall be the inner line of said thoroughfare. But their jurisdiction in and over China, Central, South, India,

Limit of  
jurisdiction.

and Dry Dock Basins, and in and over Channel Street, and Islais Creek Channel, and the canal opening into South Basin, shall extend as far as the ebb and flow of tide-water.

Thoroughfare to be opened.

SEC. 3. The said Commissioners are authorized and directed to lay out and open along said water front line, a thoroughfare of the uniform width of two hundred feet, the inner line of which shall be parallel with the water front line; *provided*, that its inner line between Market Street and Folsom Street shall correspond with the present line of East Street, and its inner line between Clay Street and Sacramento Street shall be a straight line drawn from the intersection of the north line of Clay Street, with the inner line of the thoroughfare to the intersection of the north line of Sacramento Street with the north line of Market Street extended, and its roadways and sidewalks shall conform to such deviation from its uniform width; *provided further*, that a sum not less than one hundred thousand dollars shall be expended in the construction of wharves, piers, ferry-slips, or bulkhead, on the water front between the westerly line of Mason Street and the easterly line of Kearny Street, as may seem best in the judgment of the State Board of Harbor Commissioners; the said money to be expended, and the work to be done, within one year from and after the passage of this Act. It shall have a roadway of one hundred and eighty feet, and a sidewalk on its inner side of twenty feet in width. It shall be known and designated on the map of the city and county as "East Street." The said roadway shall be constructed and kept in repair by the said Commissioners. It shall be constructed by contract, as provided in section twenty-five hundred and thirty-six of the Political Code, and be kept in repair as provided in section twenty-five hundred and twenty-four of same Code. The sidewalk shall be constructed and kept in repair in the manner provided by law for the construction and repair of sidewalks on other streets of the City of San Francisco. In case the said roadway or sidewalk be obstructed, the said Commissioners shall cause such obstructions to be removed in the manner provided in section twenty-five hundred and twenty-four of the Political Code, and section nine of this Act; *provided*, that they may grant the use and occupation of spaces along the water front for offices and baggage rooms, and for scales for weighing freight, and may charge therefor a reasonable rent. The said Commissioners shall have jurisdiction over said thoroughfare for the purposes of construction, repair, removal of obstruction, and collection of dockage, wharfage, rents, and tolls, and for commercial purposes; and no franchise or privilege for a railroad track along said thoroughfare shall be granted by the Supervisors of the City and County of San Francisco.

Construction of wharves, piers, etc

Roadway constructed.

Obstructions.

Jurisdiction of Commissioners.

Repeal.

SEC. 4. So much of the Act approved March 11th, eighteen hundred and seventy-four, entitled "An Act to amend an Act entitled an Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same, and other tide lands belonging to the State of California, to said City and County of San Francisco, for

commercial purposes, and other matters relating thereto, approved March thirteenth, eighteen hundred and seventy-two, as grants to the City and County of San Francisco, the power to lease the basins known as China and Central Basins, is hereby repealed; and the said basins, and also South, India, and Dry Dock Basins, as laid out by the Board of Tide Land Commissioners, and Channel Street, Islais Creek Channel, and the canal opening into South Basin, as far as the ebb and flow of tide in them, are hereby dedicated to public use for the purposes of commerce and navigation, and shall be subject, together with the streets inclosing or bounding on them, and the sea-wall and thoroughfare constructed across their openings, to the jurisdiction of the said Commissioners, as provided in the Act approved February twenty-eighth, eighteen hundred and seventy-six, entitled "An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a new section thereto." In case the sea-wall or thoroughfare be extended across them, openings therein, with proper draw-bridges, shall be constructed, of sufficient width to allow free and easy entrance and exit, and then they shall be dredged to such depth as may be needed by the class of vessels using them.

Dedication  
of docks to  
public use.

Draw-  
bridges to be  
constructed.

SEC. 5. Whenever any section of the sea-wall and thoroughfare is constructed and ready for use, the Board of Supervisors shall cause the streets of the city to be extended and constructed, so as to intersect said section; and in case any such streets have been widened by the Harbor Commissioners, they shall be con[tracted] to their original width before such widening, and be so extended. When extended, they shall be deemed public streets, and their roadways and sidewalks, to the intersection of the thoroughfare, shall be constructed and kept in repair in the manner provided by law for the construction and repair of the public streets of the City of San Francisco.

Streets to  
intersect said  
sea-wall.

SEC. 6. The said Commissioners shall cause the blocks or parts of blocks formed by the change of the water front and by the extensions of the streets to the thoroughfare, to be divided into lots of a frontage, as nearly equal as possible, not exceeding forty-five feet ten inches; and shall cause two maps to be made, showing such blocks, lots, and extended streets; one of which shall be filed in their office, and the other in the office of the Recorder of the City and County of San Francisco. The said maps must be attested by their signatures. The Commissioners may pile, cap, and plank, or solidly fill in the lots and blocks formed on the inner side of the thoroughfare, and shall control and regulate their use, remove any obstruction placed thereon, in the same manner as provided for the removal of obstructions from the piers, wharves, and thoroughfares, and have exclusive jurisdiction over them.

Equality of  
frontage lots.

Power of  
Commission-  
ers.

SEC. 7. The said sea-wall and thoroughfare is hereby declared a public use, in the laying out and construction of which the right of eminent domain may be exercised by the

Sea-wall  
declared a  
public use.

Harbor Commissioners, in the name of the people of the State, for the estates and rights, and in the manner provided in Part Three, Title Seven, of the Code of Civil Procedure; and said Commissioners are authorized to pay out of the Harbor Improvement Fund any compensation and damages assessed in such proceedings. But said Commissioners, for the purpose of obtaining the material for such construction, may enter into contract without resorting to such proceedings.

Berths and slips.

SEC. 8. The Commissioners are authorized to assign berths and slips for the exclusive use of sea-going steamers, ferry boats, and steamboats navigating the waters of the Bay of San Francisco and its tributaries, and to construct suitable offices, sheds, and inclosures for the accommodation of their business, and may charge for such exclusive use, a reasonable sum, irrespective of their tonnage or the number of days such berth is occupied.

Wharfage and tolls; how enforced.

SEC. 9. For the purpose of enforcing the charge for wharfage or tolls on goods, wares, and merchandise landed on any wharf, pier, or thoroughfare, or remaining thereon longer than the time prescribed by the Harbor Regulations, the said Commissioners are authorized to take possession of such goods, wares, and merchandise, and if such charge be not paid within two days thereafter, may remove and store the same at the charge, risk, and expense of the owner or consignee thereof, or may sell the same by public auction, with or without notice, at their discretion; and for the purpose of keeping the wharves, piers, and thoroughfares free of obstructions, the said Commissioners shall cause a written notice to be served on the owner, agent, consignee, or person in possession of any such obstructing material or structure, or may post a notice thereon, at their discretion, requiring its removal within twenty-four hours thereafter; and, on failure to comply therewith, the Commissioners may remove, store, or sell the same by public auction, at their discretion. From the proceeds of any such sale, they shall retain all the wharfage and tolls due, with ten per cent. thereon, and in case of obstructions, twenty-five dollars for each and every [day] during which the wharf, pier, or thoroughfare has been obstructed, and also all the expenses attending such sale, and the surplus, if any, shall be paid to the proper party. Such sale shall be made subject to immediate removal.

Penalty for non-payment of wharfage.

SEC. 10. Any water-craft that shall leave any wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying the dockage due from such vessel, shall be liable to pay, in addition to the penalty prescribed by Section 2524 of the Political Code, the sum of ten dollars.

SEC. 11. This Act shall take effect from and after its passage.

CHAP. CCXX.—*An Act to amend an Act in relation to the government of the County of Sacramento, approved March thirtieth, eighteen hundred and seventy-four.*

[Approved March 16, 1875.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 2 of an Act in relation to the govern-  
ment of the County of Sacramento, approved March 30th, 1874, is amended to read as follows: Section 2. The Sheriff of Sacramento County shall receive an annual salary of eight thousand dollars for services as such Sheriff, and an annual salary of one thousand dollars for services as ex officio Tax Collector, and five per cent. for commissions upon all delinquent taxes collected; and the per cent. now allowed the Tax Collector for collection of licenses, which shall be in full for all services rendered by him or his deputies as such Sheriff or Tax Collector. Salary of Sheriff.

SEC. 2. Section 3 of said Act is amended to read as follows: Section 3. The Auditor of Sacramento County shall receive an annual salary of three thousand five hundred dollars, which shall be in full compensation for all services rendered by him or his deputies as either Auditor and Recorder. Salary of Auditor.

SEC. 3. Section 5 of said Act is amended to read as follows: Section 5. The Treasurer of Sacramento County shall receive an annual salary of two thousand dollars.

SEC. 4. Section 6 of said Act is amended to read as follows: Section 6. The County Clerk of Sacramento County shall receive an annual salary of six thousand dollars, which shall be in full compensation for all services rendered by him or his deputies as such County Clerk, or as Clerk of any Court, Clerk of the Board of Supervisors, or Swamp Land Commissioners, or as Commissioner. Salary of County Clerk.

SEC. 5. Section 7 of said Act is amended to read as follows: Section 7. The District Attorney of Sacramento County shall receive an annual salary of thirty-six hundred dollars. Salary of District Attorney.

SEC. 6. This Act shall be in force from and after the first Monday in March, 1880.

CHAP. CCXXI.—*An Act to regulate the fees and establish the compensation of the County Recorder of the County of Placer, and to repeal an Act entitled "An Act to fix the salary of the County Recorder of the County of Placer," approved March twenty-seventh, eighteen hundred and seventy-four.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Fees of  
County  
Recorder.

SECTION 1. The County Recorder of Placer County shall receive to his own use for his services as County Recorder, and for the services of all deputies and assistants, and to that end may lawfully charge and collect, in the gold and silver coin of the United States therefor, the fees following, to wit: For recording any instrument, paper, or notice, when required, for each folio, fifteen cents; for copies of any record or paper, per folio, fifteen cents; for filing or receiving every instrument for record, and making the necessary entries thereon, fifteen cents; for making in the several indexes required all the entries required of the filing and recording any instrument, paper, or notice, and for each name thereon so indexed, twenty-five cents; for each certificate under seal, fifty cents: for the entry and taking acknowledgment of every discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same, fifty cents; for searching records and files in his office, for each year, when required, twenty-five cents; for abstract of title, for each conveyance or incumbrance certified, fifty cents; for recording every plat or map, for each course, ten cents; for figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for the recording any town plat shall not exceed one hundred dollars; for taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, ten cents; for recording marriage license and certificate, to be paid by the County Clerk, one dollar; for recording transcript, and for all other services in estray cases, fifty cents; for recording each mark or brand, fifty cents; for administering oath or affirmation and certifying same, twenty-five cents; for recording mining claims and water rights, the same fees as are allowed for recording other instruments; for filing, indexing, and keeping each document not by law required to be recorded, fifty cents. For all services not herein enumerated, said Recorder shall be entitled to receive therefor such compensation as is prescribed by law.

Fees of same  
as ex officio  
Auditor.

SEC. 2. Said County Recorder, who is and shall be ex officio Auditor of Placer County, shall be entitled to demand and receive in said coin, to his own use, for his services as such Auditor, the fees and compensations following, to wit: On all moneys paid into the county treasury of said county during any fiscal year, on the first twenty thousand dollars, two per centum; on all sums over twenty thousand dollars and less than forty thousand dollars, one and one-half per

centum; on all sums over forty thousand dollars and less than sixty thousand dollars, one per centum; on all sums over sixty thousand dollars, one-half of one per centum; *provided*, that he shall not receive any percentage on moneys paid into the county treasury for school purposes. For all other services not herein enumerated, said Auditor shall be entitled to receive therefor such compensation as is prescribed by law.

SEC. 3. An Act entitled "An Act to fix the salary of the County Recorder of the County of Placer," approved March twenty-seventh, eighteen hundred and seventy-four, is hereby repealed.

SEC. 4. This Act shall take effect and be in force on and after the first Monday of March, A. D. 1880.

CHAP. CCXXII.—*An Act to fix the fees of Justices of the Peace for the County of Contra Costa.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Each Justice of the Peace in and for the County of Contra Costa shall be allowed in a civil action before him, for all services required to be performed by him, before trial, two dollars, and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, three dollars; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars; for all services and proceedings in a criminal action or proceeding, whether on examination or trial, three dollars; for taking bail after commitment, by another Magistrate, fifty cents; for certificates, and transmitting transcript and papers on appeal, one dollar; for copies of papers or docket, per folio, fifteen cents; for issuing a search warrant, to be paid by the party demanding the same, fifty cents; for celebrating a marriage, and returning a certificate thereof to the County Recorder, three dollars; for taking an acknowledgment of any instrument, for the first name, fifty cents, for each additional name, twenty-five cents; for taking depositions, and for taking down testimony, per folio, fifteen cents; for administering an oath, and certifying the same, twenty-five cents; for issuing a commission to take testimony, fifty cents; for all services connected with the posting of estrays, including the transcript for the Recorder, two dollars. In cases before said Justices of the Peace, where the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive two dollars; and

Fees of  
Justices of  
the Peace.

the Justice before whom the trial shall take place, shall receive the same fees as if the action had been commenced before him.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act, as far as they relate to fees of Justices of the Peace in and for the County of Contra Costa, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXIII.—*An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, to provide for the opening of Army Street, and the condemnation of private property therefor.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Powers  
conferred  
on Board.

Acceptance  
of land for  
sewer.

Purchase of  
land for  
sewer.

Condemna-  
tion to ac-  
quire title.

Commis-  
sioners  
appointed.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered:

*First*—To receive and accept from the owners or claimants of the lots and lands lying contiguous to "Precita Creek," from the old San José road to the San Bruno road of said city, a deed or deeds of a tract of land, not less than sixty-four feet in width and without abrupt curves or short angles, to be located on a line to be located by and to be satisfactory to said Board of Supervisors, for the construction of a sewer therein and for the purposes of a public street.

*Second*—The said Board of Supervisors are hereby authorized and empowered to acquire (by purchase, for such consideration as to said Board shall seem reasonable,) any of the lots or lands hereinbefore described, for the purposes of said sewer and street, as cannot be acquired by voluntary gift or donation, and to order payment of such considerations out of the General Fund of the treasury of said city and county.

*Third*—For the purpose of acquiring title to all such portions of said lots and lands as may not be acquired under the provisions of the first and second subdivisions of this section, the said Board of Supervisors are hereby authorized and required to cause the same to be condemned and appropriated to public uses for the purposes of said sewer and street; the Mayor, Assessor, and Surveyor of said city and county are hereby appointed and constitute Commissioners, with power to ascertain and determine the value of the lands and the sums to be paid therefor to the owners thereof; in case of a vacancy in said Commission, by reason of any member thereof being disqualified from acting, or for other cause, the County Judge of said city and county shall fill such vacancy by appointment of some competent and disinterested person. The moneys to be paid for any lands,



under the provisions of this Act, must be paid out of the General Fund of the treasury of said city and county. The said proceedings to acquire title to lands, except as herein otherwise provided, must conform to the provisions of the "Act approved April first, eighteen hundred and seventy-two," entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and take private lands therefor, and to the provisions of any other Act passed at the present session of the Legislature, defining the powers of said Board of Supervisors, which are hereby made applicable to this Act, so far as the same are not inconsistent therewith.

*Fourth*—The said Board of Supervisors are hereby authorized and required, under such rules and regulation as they may prescribe, to sell at public auction, to the highest and best bidders, all of Serpentine Avenue running from the old San José road to the San Bruno road, except such portions thereof as may be required for the purposes of said sewer and street herein provided for. The lands so offered for sale shall first be surveyed and subdivided into lots, conforming as near as may be practicable in form and size to the lots next contiguous thereto. Streets, in conformity to and connecting with the streets laid down upon the official plan of said city, shall be reserved and dedicated to public use. A deed from the Mayor of said city and county, executed to the purchaser of any lot, after full payment therefor shall have been made, shall vest the title of such lot in said purchaser. The proceeds of said sales shall be paid into the General Fund of the treasury of said city and county. The said Commissioners shall receive for their services such compensation as the Board of Supervisors may allow. Whenever the said city and county shall have acquired the lands herein mentioned, for said sewer and street, the said Board of Supervisors are authorized to open and improve said street, and construct said sewer of such material and of such capacity as said Board may determine, and are authorized to appropriate, allow, and order paid out of the General Fund such sums as may be necessary for said purposes, also for all contracts for the necessary surveys.

Sale of a certain avenue.

Opening and improvement of street.

SEC. 2. All of Serpentine Avenue lying between the old San José road and San Bruno road is hereby vacated as a public street or highway.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXIV.—*An Act concerning licenses in the County of San Benito.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Duty of Auditor.

Contents of license.

Duty of Tax Collector.

Prosecution of delinquents.

SECTION 1. The County Auditor of San Benito County shall cause to be printed a sufficient number of licenses required by Part Third (III), Title Seventh (VII), Chapter Fifteenth (XV), of the Political Code, as may be needed in said county for one year, in book form, and shall issue the same quarterly, commencing with the first day of January, April, July, and October of each year; *provided*, that all licenses now issued and unexpired, in said county, shall be good for their unexpired term. Each license when issued shall contain the name of the person to whom issued, the date thereof, the time of commencement and expiration, and amount paid for the same, and the kind of business to be carried on by the person receiving the same. Should any business for which a license is required be commenced after the first of the current quarters herein named, the said license shall be issued for the remaining portion of said quarter, and there shall be received in payment therefor such proportional part of said full amount required for the full term as shall remain unexpired, but said license shall not be issued for less than one month.

SEC. 2. No license shall be issued for a period longer than one year, and all licenses issued for a permanent or continued business shall end with the end of the current quarter.

SEC. 3. The Tax Collector of San Benito County shall make a report to the Board of Supervisors of said county, in writing, on the first Mondays of February, May, August, and November, of each year, containing the names of all persons doing business in said county for which a license is required, the character of the business, whether a license has been obtained therefor, the amount of the license, and where the business is or was conducted; the names of any persons delinquent, and amount of each respectively; the total amount collected since last report, and amount due, and such other facts relating to the collection of said licenses as may be ordered by the Board of Supervisors.

SEC. 4. The Board of Supervisors shall direct the District Attorney of said county to prosecute all delinquents, in payment of said license taxes, either civilly or criminally, and when either of said prosecutions are commenced, said delinquent shall pay up, in addition to all fines, costs, and amount of license, the additional sum of fifty per cent. to be added to the amount of said license.

SEC. 5. All Acts and parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXV.—*An Act concerning roads and highways in the County of San Benito.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows.*

SECTION 1. Highways are roads, streets, alleys, and bridges, laid out or erected by the public; or, if laid out, opened, or erected by others, deeded, dedicated, or abandoned to the public. Highways defined.

SEC. 2. Whenever any corporation owning a toll bridge, or a turnpike, or a common wagon road, is dissolved or discontinues the use of the road or bridge, or has expired by limitation, such bridge or road becomes a highway.

SEC. 3. A road not worked or used for a period of five years ceases to be a highway for any purpose whatever.

SEC. 4. The Board of Supervisors shall give to each highway and public road an appropriate name, which named may be changed by the Board whenever they deem the same necessary, and the Clerk of said Board shall properly record all roads and proceedings relating thereto in a separate book, and properly index the same. Highways to be named.

SEC. 5. By taking or accepting land for a highway, the public acquire only the right of way and the incidents necessary to enjoy and maintain the same.

SEC. 6. Whenever any person or persons may propose to open a public road through his, her, or their lands, such person or persons may petition the Board of Supervisors of the county, said petition to give the commencement and terminus of such proposed road, with a general description and width thereof; and said Board may, if they deem said road necessary, enter in their book of records an order declaring said petition granted and such road established as a public highway. Such petitioners shall proceed, at their own expense, unless the Board of Supervisors order the same paid from the County Road Fund, to fence out such road within thirty days, unless the Board grant a longer time; and such road, from the time fixed for opening it, shall be considered to be dedicated to the public for use as a public highway. Petition for opening street.

SEC. 7. For all purposes of this Act, the districts as now or may hereafter be established for the election of Supervisor, shall constitute the road districts, and road districts shall bear the same name as said Supervisors' districts, and shall be changed whenever said Supervisors' districts are changed, so as at all times to correspond with them.

SEC. 8. At the session of the Board of Supervisors for levying State, county, and other taxes, and at the same time, said Board shall levy upon each able-bodied man—Indians excepted—between the age of twenty-one and sixty years, a road poll tax of two dollars, and upon all taxable property in the county a tax for road purposes of not more than Poll and property tax.

Duty of  
Assessor.

Same.

Road Fund.

Power of  
Supervisors.

thirty-five cents upon each one hundred dollars, which sum shall be assessed and collected as other county taxes, except as otherwise provided in this Act. All able-bodied men who have resided three months in the State and ten days in the road district shall pay the road poll tax herein provided for, and all moneys received or collected for such taxes or assessments shall constitute the Road Fund. The Assessor of said San Benito County shall prepare in his list or assessment roll a separate column headed "Road Poll," in which he shall place against the name of every person liable to pay any road poll tax the figure "one," and said Assessor shall collect said road poll taxes in the same manner as provided by law for collecting other poll taxes, and the same authority is hereby conferred upon said Assessor, and shall receive as compensation ten per cent. upon road poll taxes collected by him. All taxes and assessments provided for in this Act shall be collected by the Assessor and Tax Collector of the county in the same manner as State and county taxes, and placed in the county treasury to the credit of the road districts from which the same are collected, and shall be known as the District Road Fund; and all such moneys shall be used in the district credited therewith, respectively, subject to the control of the Board of Supervisors and the provisions of the next section of this Act. The said Assessor shall, at the time of completing and returning the assessment roll of his county each year, return a statement of the taxable property of each road district in his county, which shall be filed with the Clerk of the Board of Supervisors. He shall also designate upon the assessment roll the road district in which the property in said county is situated, and also in what road district the persons liable to pay a road poll tax by the provisions of this Act may reside at the time of making said assessment. The said road poll taxes provided for in this section may be levied by the Board of Supervisors at any time prior to the time herein named, if they deem it necessary. The said Assessor and Tax Collector shall make a monthly settlement, on the first Monday of each month, of all moneys collected from road poll taxes, and in said settlements shall designate the amounts collected from persons in each road district, severally.

SEC. 9. From the property road taxes collected, the Board of Supervisors may annually set apart a sum not exceeding twenty per cent., for general road purposes, which shall be known as the General Road Fund, from which they may direct such amounts to be paid as may be found necessary for such general road purposes, in which the inhabitants of all the road districts are more or less interested.

SEC. 10. The Board of Supervisors shall have the general supervision and management of all the public roads in the county, and the members of said Board shall be ex officio Road Overseers, and shall have special supervision, control, and management of all roads and highways and road matters in their respective Supervisor Districts, and as such ex officio Road Overseers, each Supervisor shall take an oath and give a bond in the sum of five thousand dollars, the

same as other county officers, and whenever any district is too large, in the judgment of the Board of Supervisors, to be well managed by the Supervisor of said district, the said Board may appoint a suitable person to reside in and have supervision and control of such portion of the district as may be agreed upon by the Board, and he shall take an oath and give a bond the same as other county officers; the amount of the bond to be fixed by said Board of Supervisors.

SEC. 11. It is hereby made the duty of the said Supervisors, severally, and said Deputy Road Overseers, to maintain and keep all public roads and highways in their respective districts in good repair, and to erect or cause to be erected all necessary bridges and culverts, as the means at his command will permit. He shall oversee and direct all labor performed, and see that all contracts for road work are fully performed, as hereinafter named.

SEC. 12. The Board of Supervisors are hereby authorized to make contracts for the purchase of lumber or other materials for bridges or culverts, for grading roads, or any other necessary work upon the highways within the several road districts; and it is made their duty to let the work of keeping the principal thoroughfares in good order and repair to the lowest responsible bidder, for the term of one year or less time, and either for the repair, keeping in repair, grading, graveling, or other necessary work thereon; and said contracts may be made with one or more persons, and of the whole or part of any particular road. The Board may also empower said Supervisors, severally, to make contracts or receive bids for the road work herein named, subject to the approval of the Board. When bids are invited for any materials to be furnished, or road work to be done, such notice thereof shall be given as the Board shall deem proper. All contracts shall be in writing, containing specifications of all work to be done or materials furnished, and where the contract price exceeds two hundred dollars, a bond shall be required in double the contract price, conditioned for the full and proper performance of the contract, and payable, in default, to said San Benito County, all damages that may be sustained. The Board shall have the right to reject any and all such bids if they deem it for the interest of the county so to do. Said Board, in their performance of road duties, shall have in view, first, the keeping of all roads and highways in good order and repair; second, the construction, in a permanent and substantial manner, of all public and main thoroughfares in said county; and they shall cause to be so constructed such parts of said public roads, in each road district, during each year, as they may be able with the means at their command. Said Board of Supervisors shall create no road debt in any road district, in any one year, in excess of the estimated revenue for said year in said district. Nor shall any demand be ordered paid from the General Road Fund unless there is money in said fund with which to pay the same at the time the order is made.

SEC. 13. All payments for the fulfillment of any contract for the purposes herein specified shall be made by warrants

drawn on the proper Road Fund by order of the Board of Supervisors.

Overseer to  
prepare  
statement.

Compensa-  
tion.

Demands  
against  
Road Funds.

Duty of  
Auditor.

Duty of Tax  
Collector.

SEC. 14. On or before the first Mondays of February and August, in each year, each Supervisor or Deputy Road Overseer shall prepare a full statement of the labor performed in his district, the tools, teams, implements, or materials hired or purchased, the amount of money paid out, to whom, and for what paid; also the amount and number of days' service by him actually performed in the discharge of his official duties, when, where, the character of the work, and that the same was actually necessary, all of which particulars shall be verified by his oath. Said Supervisors, when acting as Road Overseers, and said deputy, shall be allowed, for all services performed in the discharge of their duties, when necessarily performed, a sum not exceeding three dollars per day, as the Board may allow; but said Supervisor and said deputy shall not receive payment for services performed in the same parts of a district. The Supervisors, severally, shall have charge of and be responsible for all tools and implements purchased for or belonging to his district, and his statement shall embrace an inventory of the same, a duplicate of which, together with all such tools, utensils, and other property, he shall deliver to his successor, or to some person designated by the Board of Supervisors to receive them.

SEC. 15. No demand against any Road Funds shall be allowed, except on special contract, and according to the terms thereof, except at said regular meetings of the Board in February and August of each year, nor then allowed to said Supervisor or Deputy Road Overseer unless said semi-annual reports hereinbefore provided for shall have been presented by them and approved by the Board of Supervisors.

SEC. 16. It shall be the duty of the Auditor, in preparing the duplicate assessment lists provided for by law, to provide a separate column in which shall be carried out the road poll tax as provided in said original roll.

SEC. 17. It shall be the duty of each Tax Collector and Treasurer to keep their books in such a manner as to show how much in each and every separate Road Fund is on hand; and the Treasurer shall pay all road moneys out upon warrants drawn upon the proper Road Fund, by order of the Board of Supervisors, and in no other manner. All road taxes now due or levied under any other law shall be collected and disposed of under the provisions of this Act.

SEC. 18. The provisions of this Act shall not authorize the collection of any road poll taxes from the inhabitants of any incorporated city or town in said San Benito County.

SEC. 19. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed so far as they affect the County of San Benito.

SEC. 20. This Act shall be in force and take effect from and after its passage.

CHAP. CCXXVI — *An Act amendatory to an Act entitled an Act to provide for the maintenance and construction of roads and highways in the County of Mariposa, approved March thirty-first, eighteen hundred and seventy-six.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section six of said Act is amended so as to read as follows: Section 6. It shall be the duty of the Board of Supervisors of said county, at their regular meeting in August, A. D. eighteen hundred and seventy-six, and on each regular meeting in the month of August of each subsequent year, to advertise for bids for the keeping of the roads of the various road districts in good and efficient repair for the period of three years from the time of the awarding of such contract. Each bid shall be accompanied by two sureties for the faithful performance of the contract, subject to the approval of the said Board of Supervisors. Such bids or proposals shall be advertised by the Board of Supervisors in some paper published in Mariposa County, for the period of thirty days, and such advertisement shall clearly designate the roads for which contracts are to be given. At the next regular meeting of the said Board of Supervisors, in November following, the said Board shall proceed to open the bids, and shall award the contract to the lowest responsible bidder; "provided," that the Board shall have the right to reject any and all bids if, in their judgment, they are too high; in which case, in any road district or districts when no bid has been made, or when any or all bids have been rejected, the Board shall appoint some suitable person to do the requisite work, or supervise this performance, at a salary of three dollars per diem for such time as he is actually engaged in said labor, and the Board may authorize the employment of such assistance as in their judgment they may deem necessary.

Duty of Supervisors.

Advertisement.

Opening of bids.

SEC. 2. Section ten shall be amended so as to read as follows: Section 10. The Assessor of Mariposa County is hereby authorized and empowered to act as the Road Poll Tax Collector for said county. He shall receive as compensation fifteen per cent. on the amount collected.

Power conferred on Assessor.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXVII.—*An Act to amend an Act entitled "An Act to create the Twenty-first Judicial District, approved February fifteenth, eighteen hundred and seventy-six," by changing the dates of holding terms of Court in said district.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Terms of  
Court.

SECTION 1. Section three of an Act entitled an Act to create the Twenty-first Judicial District, approved February fifteenth, eighteen hundred and seventy-six, is hereby amended so as to read as follows: Section 3. In the Twenty-first Judicial District the terms of the District Court shall be held as follows: In the County of Modoc, on the first Monday of May, August, and November; in the County of Lassen, on the third Monday of May, August, and November; in the County of Plumas, on the second Monday of March, first Monday of June, September, and December.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXXVIII.—[See volume of *Amendments to the Codes.*]

CHAP. CCXXIX.—[See volume of *Amendments to the Codes.*]

CHAP. CCXXX.—*An Act granting certain privileges to the North Beach and Mission Railroad Company.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Extension  
of time  
granted.

SECTION 1. The time for the North Beach and Mission Railroad Company, the assignee of the franchises hereinafter mentioned, to lay and complete the several railroads which it is authorized to construct, equip, and maintain, in the City and County of San Francisco, under the franchises granted by the Acts entitled as follows: An Act to provide for street railroads within the City and County of San Francisco, approved April the seventeenth, eighteen hundred and sixty-one; and an Act to grant to certain persons the right of way for a railroad track within the corporate limits



of the City and County of San Francisco, and to run horse cars thereon, approved April the seventeenth, eighteen hundred and sixty-one; and by the several Acts amendatory of and supplementary to said Acts and each of them, is hereby extended for a further period of two years; *provided*, the extension of time hereby granted shall not be construed to impair the rights of any other street railroad franchise heretofore granted.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXXXI.—*An Act to amend an Act entitled "An Act to provide for the location, construction, and maintenance of public roads in the County of Nevada," approved March twenty-first, eighteen hundred and seventy-two.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three of said Act is hereby amended to read as follows: Section 3. Each Commissioner in his district, in September, eighteen hundred and seventy-nine, and every two years thereafter, shall lay off and divide the public roads by sections, which he shall number in a book to be called a Road Book. He shall distinctly specify therein what he shall deem necessary for the improvement and keeping in good repair the public roads and highways; and when the Commissioners shall have so laid off the roads, as aforesaid, he shall submit his report to the Board of Supervisors on the first day of their regular session in October, a majority of whom shall have power to modify or amend, and who shall give their written assent to the report so amended or modified, which shall be the warrant of the Road Commissioner, and his guide in the performance of his duties; and the Road Commissioner shall, within ten days thereafter, give public notice for at least one week by publication in the newspaper having the contract for doing the county printing, or by posting of notices in the township where such work is to be done, or by both such publication and posting, as the Road Commissioner of each district may determine, in which notice shall be designated the time and place for the inhabitants of the county to meet in their respective townships at the principal town in the township designated by the Commissioner in the notice aforesaid, at which time and place it shall be the duty of said Commissioner to attend and sell out at public sale, for the term of two years, each section or subdivision of said public road, lying within said township, to the lowest bidder; but the Commissioner shall have power to refuse such bid if he shall deem the same too high; and if any section shall remain unsold on account of no bid having been made for the same, it shall be lawful for the said

Duty of  
Commissioner.

Commissioner thereafter to let out such section or sections at private contract; *provided*, that the said Commissioner shall not be directly or indirectly interested in taking or keeping in repair any section or sections so let out as aforesaid; *and provided also*, that not more than the yearly proportion of such purchase or contract shall be paid in any one year; *and be it further provided*, that no Commissioner shall sell, by public or private contract, any section or sections of the public highways for a longer term than two years.

SEC. 2. This Act shall be in force and take effect from and after its passage.

CHAP. CCXXXII.—*An Act to increase the appropriation for the support of the Hospital and Alms-house in the City and County of San Francisco, etc.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriations authorized.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow, and order paid out of the General Fund the several sums of money hereinafter mentioned, to wit:

*First*—To expend a sum not exceeding fifteen thousand dollars per month for the support, care, and maintenance of such persons as may be admitted to the City and County Hospital and Alms-house, which shall be in lieu of all sums now authorized by law to be expended for such purposes.

*Second*—To allow and order paid out of the General Fund a sum or sums, not to exceed in the aggregate fifteen thousand dollars, for the purpose of paying demands for hospital and alms-house purposes which may be allowed in excess of the present appropriation for said purposes during the fiscal year eighteen hundred and seventy-seven-seventy-eight.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXXIII.—*An Act to amend an Act entitled an Act to create a Board of Auditors for El Dorado County, and fix the powers thereof, approved March thirtieth, eighteen hundred and seventy-four, and the Act amendatory thereof, approved April first, eighteen hundred and seventy-six.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section five of said Act is amended so as to read as follows: Section 5. It shall be the duty of the Board:

*First*—To supervise the official conduct of all county officers, of all districts and other subdivisions of the county, charged with collecting, safe keeping, management, or disbursement of the public moneys; to see that they faithfully perform their duties, and, when necessary, require them to renew their official bonds, to make reports, and to present their books and accounts for inspection. Supervise county officers.

*Second*—To examine and audit the accounts of all officers having care, management, collection, or disbursement of moneys belonging to the county or appropriated by law or otherwise for its use and benefit. Examine accounts.

*Third*—To examine, settle, and allow accounts legally chargeable against the county for services rendered and material and supplies furnished the county (except the salaries of officers), and to order warrants to be drawn on the County Treasurer therefor and provide for the issuing of the same.

*Fourth*—To divide the county into townships, school, road, and other districts required by law; change the same, and create others, as convenience may require.

*Fifth*—To establish, abolish, and change election precincts and to appoint Inspectors and Judges of Election, canvass all election returns, declare the result, and certificates thereof.

*Sixth*—To lay out, alter, change, control, and manage public roads, turnpikes, ferries, and bridges, and to fix annually the rates of toll which may be collected on all toll roads and toll bridges within the county.

*Seventh*—To provide for the care and maintenance of the indigent sick or the otherwise dependent poor of the county, erect, officer, and maintain hospitals therefor, or otherwise provide for the same.

*Eighth*—To provide a farm in connection with the County Hospital, and make regulations for working the same.

*Ninth*—To purchase, receive by donation, or lease any real or personal property necessary for the use of the county; preserve, take care of, manage, and control the same; but no purchase of real property must be made unless the value of the same has been previously estimated by three disinterested citizens of the county, appointed by them for that purpose, and no more than the appraised value must be paid therefor. Purchase property.

Erect  
buildings.

*Tenth*—To cause to be erected and furnished a Court-house, Jail, Hospital, and such other public buildings as may be necessary, including a vault for the protection of the county records and treasure, such vault to be paid for by warrants drawn on the Current Expense Fund.

Sell prop-  
erty.

*Eleventh*—To sell at public auction, at the Court-house door, after thirty days' previous notice given by publication in a newspaper of the county or posted in five public places of the county, and convey to the highest bidder, for cash, any real or personal property belonging to the county and for sale, of which provision has been made by law, paying the proceeds into the county treasury for the use of the county.

*Twelfth*—To equalize the assessments.

*Thirteenth*—To insure the county buildings in the name of and for the benefit of the county.

*Fourteenth*—To grant licenses and franchises, as provided by law, for constructing, keeping, and taking tolls on roads, bridges, ferries, and chutes.

*Fifteenth*—To fix the compensation of all county officers not otherwise in the Political Code or by general or special law fixed and provided for the payment of the same.

Fill vacan-  
cies.

*Sixteenth*—To fill, by appointment, all vacancies which may occur in county or township officers except those of County Judge, Supervisor, and member of the Board of Auditors.

*Seventeenth*—To contract for the county printing, and provide books and stationery for county officers.

Publish  
statement of  
proceedings.

*Eighteenth*—At the adjournment of each session of the Board, to cause to be published, in a newspaper or otherwise, a fair statement of all their proceedings, and semi-annually a statement of the financial condition of the county.

*Nineteenth*—To make and enforce such rules and regulations for the government of their body, the promotion of order, and the transaction of business, as may be necessary.

*Twentieth*—To adopt a seal for their Board, a description and impression whereof must be filed by their Clerk in the office of the County Clerk and Secretary of State.

*Twenty-first*—The Board shall not have any control over any suits brought for or against the county, nor can any summons or other writs against the county, in any suit or proceeding whatever, be served upon the Board or any member thereof; and the service of any writ or order upon the Board, or any member thereof, shall not in any manner be binding upon the county.

CHAP. CCXXXIV.—*An Act to legalize a tax for building a school house in the New York School District, in Contra Costa County.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The assessment and levy of taxes heretofore made upon all property, real and personal, in the New York School District, in the County of Contra Costa, for the purpose of building a school house in said district, is hereby legalized and validated in every respect, and no defect or informality, or failure to comply with any statute or law regulating elections or assessments or levy of taxes, shall be held to invalidate said tax, nor to constitute a defense to any action or proceedings brought to enforce the payment of such taxes. Tax legalized.

SEC. 2. This Act shall be in force and effect from and after its passage.

CHAP. CCXXXV.—*An Act to fund certain indebtedness of Solano County.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The County of Solano is hereby authorized to fund the indebtedness represented by warrants outstanding against the Road Fund of said county at the date of the passage of this Act, and to that end the Auditor, County Clerk, County Treasurer, and the Chairman of the Board of Supervisors of said county, are constituted a Board to be styled "The Commissioners of the Funded Road Debt of Solano County." County authorized to fund indebtedness.

SEC. 2. The Commissioners shall cause to be prepared suitable bonds of said county to be denominated on their face "Solano County Road Fund Bonds." They shall be of the denominations of fifty dollars, one hundred dollars, and five hundred dollars each, and payable only in gold coin of the United States, and shall bear interest in like gold coin at the rate of seven (7) per cent. per annum from the date of their issue, interest payable semi-annually at the office of the County Treasurer of Solano County, on the fifteenth day of January and July of each year; *provided*, that the first payment of interest shall be on the fifteenth day of January, one thousand eight hundred and seventy-nine. The principal sum of said bonds shall be payable at the office of the said County Treasurer on the fifteenth day of January, A. D. one thousand eight hundred and eighty-nine. The said county shall have Issuance of bonds.

the right to pay and discharge said bonds at any time after their date, which right of payment and discharge shall be specified in said bonds.

SEC. 3. Said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the County Treasurer and County Auditor, and shall have the seal of the County Auditor of said county stamped thereon.

Interest  
coupons.

SEC. 4. Coupons for the interest must be attached to each bond, and must be signed by the County Treasurer. Each of said coupons shall be for the semi-annual interest on the bond to which it is attached, and must bear on its face the number of its bond, the date when it will be due, and the amount of interest to be paid. When the semi-annual interest upon a bond shall be paid, the coupon for the interest paid shall be detached and delivered to the Treasurer of the county who must, after canceling the same, deliver it to the County Auditor and take his receipt for it, and the Auditor must file and safely keep in his office all coupons so delivered to him. The first coupons upon each bond must be for the interest from the date of such bond up to the fifteenth day of January after its issue.

Exchange of  
warrants.

SEC. 5. All persons holding warrants drawn upon the Road Fund of said county must present the same to said Commissioners, and shall receive in exchange said bonds for the full amount of principal and interest due on the first day of June, A. D. one thousand eight hundred and seventy-eight, and all bonds issued under this Act shall be issued as of said date. The Commissioners must give to each person a certificate for any fractional amount less than the smallest denomination of bonds; and such certificate must be received and funded in the same manner as the original warrants when presented with other certificates or warrants in sufficient amounts to make up a bond authorized by this Act. Holders of certificates, when funding is impracticable, may present them to the Board of Supervisors who may allow them with interest as a claim against the General Fund, and issue warrants thereon in lieu of such certificates. It shall be the duty of the Commissioners to cause all such warrants or certificates for which bonds shall be issued as herein provided, to be immediately canceled after issuing bonds therefor.

SEC. 6. The Commissioners must keep an account of the number, denomination, and amount of all bonds signed by them, and to whom the same were issued.

Clerk of  
Board to  
keep regis-  
ter.

SEC. 7. The Clerk of the Board of Supervisors of said county shall keep a register in which shall be a correct record of all the bonds issued under this Act. The said record shall show the number and denomination of said bonds, the date of issue, to whom issued, the number and amount of coupons, when the interest as due is paid, and the number and amount of bonds redeemed and time of redemption, and bonds published as redeemable, and such other matter as may be pertinent or necessary in such record.

Commission-  
ers' duties.

SEC. 8. The said Commissioners' duties under this Act shall be deemed a part of their official duties respectively for the performance of which they shall be responsible individ-

ually, and on their bonds respectively. They shall be allowed for the performance of their duties under this Act the sum of fifty dollars each, which, with the expense of the preparation and issue of said bonds, shall be allowed by the Board of Supervisors and paid out of the General Fund of the county. Compensation.

SEC. 9. Before the first day of June, A. D. one thousand eight hundred and seventy-eight, the Commissioners must cause notice to be given of their readiness to fund said indebtedness in one newspaper published in said county, which notice must be published at least once a week for at least four weeks. The Commissioners must complete their labors by the first day of September, one thousand eight hundred and seventy-eight, and within ten days thereafter must deposit with the County Auditor all their books, vouchers, etc., and their office as Commissioners must cease. Notice to fund indebtedness.

SEC. 10. The Board of Supervisors of said county must create a fund to be known as the "Road and Interest Sinking Fund." After the passage of this Act all moneys which by provision of section six of "An Act in relation to highways in the County of Solano," approved March sixteenth, one thousand eight hundred and seventy-six, would be applied to the payment of the outstanding road indebtedness of said county, shall be paid into the said "Road and Interest Sinking Fund," and shall be used for no other purpose than the payment of the principal and interest of the bonds provided for in this Act. At the time of the levy of the county taxes for said county, the Board of Supervisors must make an estimate of the amount of money which will come into said fund from the source herein mentioned. And if said amount is insufficient to pay the interest upon said bonds and ten per cent. of the principal, they shall then and there levy, in addition to the other taxes required to be levied, a tax on all the taxable property of the county sufficient to make up an amount, together with the other moneys which will come into said fund, to pay the interest and at least ten per cent. of the principal of said bonds. The said Board may provide by taxation as aforesaid for the payment of the principal and interest of all said bonds in five years from their date, but not earlier. Sinking Fund.

SEC. 11. Not less than two weeks before the fifteenth day of January, A. D. eighteen hundred and seventy-nine, and each and every year thereafter, the Board of Supervisors of said county shall give public notice by publication in not less than one paper printed and published in said county, and in other papers if in the opinion of the said Board such additional published notice is expedient or necessary, that they will redeem a specified amount of the bonds issued under the provisions of this Act. Said published notice shall invite sealed proposals for the surrender of bonds in accordance with the said notice at the time and place to be set forth in the said publication and notice aforesaid. The County Treasurer of the said county shall, in the presence of the Board of Supervisors and such other persons as may desire to be present, open the sealed proposals for the surrender of bonds in accordance with the aforementioned pub- Redemption of bonds.

lished notice, and the said Board may accept only such bids as will redeem the greatest amount of said bonds; *provided*, that no bonds shall be redeemed at a higher rate than one hundred cents on the dollar. If at the time set forth in the published notice mentioned in this section no proposals have been offered for the surrender of bonds in accordance with said notice, the said Board must give notice by publication in the same manner as is provided for in notice of intention to redeem bonds, that they are prepared to redeem certain bonds, which bonds shall be designated in said notice by number consecutively, commencing at the lowest number of such bonds as are not redeemed; and no interest shall be payable on any bonds so published after thirty days from and after the date of the first published notice.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXXVI.—*An Act to amend an Act entitled "An Act authorizing the Trustees of the San Buenaventura School District, of the County of Ventura, in this State, to issue bonds for said district for the sum of ten thousand dollars," approved March sixteenth, eighteen hundred and seventy-two.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Redemption  
tax.

SECTION 1. Section ten of said Act is amended so as to read as follows: Section 10. In and for the year eighteen hundred and seventy-nine the Board of Supervisors of the County of Ventura shall levy and cause to be collected a tax sufficient to pay two thousand dollars of the said bonds; for the year eighteen hundred and eighty, sufficient to pay three thousand dollars of said bonds; for the year eighteen hundred and eighty-one, sufficient to pay five thousand dollars of said bonds, together with any interest that may have accrued thereon. The tax thus collected shall be set apart as a special fund and be known as the "School Bond Redemption Fund." For the purposes of this Act the Board of Supervisors are hereby directed to order an election for Assessor and Collector for said school district, at such time as the Board may designate; and the person elected to the office of Assessor may also be elected to the office of Collector. The assessment roll of the district, when completed, shall be returned to the Board of School Trustees of San Buenaventura School District, who shall proceed to equalize the same. So far as the same are consistent with the purposes of this Act, the provisions of Article Nineteen, Chapter Three, Title Three, Part Three, of the Political Code, are made applicable to and a part of this Act. The Assessor and Collector may hold office for three years, or until the purposes of this Act shall have been accomplished.



CHAP. CCXXXVII.—*An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to appropriate, allow, and order paid the several sums of money hereinafter mentioned: To expend a sum not to exceed five thousand dollars out of the General Fund, in addition to the amount now allowed by law, in making repairs to the county roads during the fiscal year 1877-78. Appropriation authorized

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXXVIII.—*An Act making the Sheriff of Butte County the Collector of business licenses therein, and fixing his salary therefor.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Sheriff of the County of Butte shall be Collector of all business license taxes in and for said county, for the collection of which he shall receive a compensation which shall be equal to ten per cent. of the amount of money so collected by him. He shall be subject to all the duties and liabilities imposed by law on Tax Collectors, so far as the same relates to the collection of business license taxes. Before entering upon the duties herein provided he shall enter into a bond to the State of California, with two or more sureties, to be approved by the County Judge, in the sum of five thousand dollars, conditioned for the faithful performance of the duties required of him by this Act, which bond shall be filed in the office of the Clerk of Butte County. Sheriff made License Collector.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be force from and after its passage.

CHAP. CCXXXIX.—[See volume of *Amendments to the Codes.*]

**CILAP. CCXL.**—*An Act to amend an Act entitled an Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February 10th, 1876.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Compensation of certain officers.

**SECTION 1.** Section two of said Act is hereby amended so as to read as follows: **Section 2.** The county officers of the County of Santa Clara, in this section named, shall severally receive as compensation for their services the respective salaries by this section provided, to wit: The County Judge, an annual salary of three thousand dollars; the County Clerk, an annual salary of two thousand dollars; the County Recorder, as County Recorder and ex officio County Auditor, an annual salary of two thousand dollars; the Sheriff, an annual salary of four thousand dollars; the County Treasurer, as County Treasurer and ex officio County Tax Collector, an annual salary of two thousand five hundred dollars; the District Attorney, an annual salary of three thousand dollars; the Superintendent of Schools, an annual salary of twelve hundred dollars; each member of the Board of Supervisors, as member of the Board and ex officio Roadmaster of his respective Supervisor district, an annual salary of eight hundred dollars.

Fees of District Attorney.

**SEC. 2.** Section eight of said Act is hereby amended so as to read as follows: **Section 8.** The District Attorney of said county shall collect the following fees, to wit: In criminal cases, for each conviction of misdemeanor, where the punishment shall be by fine, eight dollars, which fees shall be payable out of the fines collected; in civil cases for all collections on bonds, undertakings, or recognizances, and for all collections by action for the county, or for the State and county, other than taxes, eight per cent. of the amount actually collected and actually paid to the custodian of the fund collected: said per cent. shall not exceed the sum of five hundred dollars in any one case; for the collection of delinquent taxes, ten per cent. upon the amount due for taxes, if paid before judgment, and fifteen per cent. if paid after judgment, which amount shall be added to the taxes and be paid by the party charged; in no event shall said percentage for the collection of taxes be paid by the county nor become a county charge. The fees in this section provided for shall be paid by said District Attorney into the Salary Fund of said county.

Board to prescribe number of deputies.

**SEC. 3.** Section thirteen of said Act is hereby amended so as to read as follows: **Section 13.** The Board of Supervisors of said county shall prescribe the number of deputies or employes that each principal officer in this Act named shall employ, which number may be changed from time to time. The salaries of such deputies shall be paid as provided by section twelve of this Act, and shall not exceed the following amounts, to wit: The principal Deputy Clerk, Deputy

Salaries of same.

Recorder, and Deputy Treasurer, each the sum of one hundred and twenty-five dollars per month, and each additional deputy, except Deputy Sheriffs, as hereinafter provided, one hundred dollars per month; principal Deputy District Attorney, one hundred and twenty-five dollars per month; Under Sheriff and principal Deputy Sheriff, each one hundred and fifty dollars per month; second Deputy Sheriff, one hundred dollars per month; all other Deputy Sheriffs, not to exceed the sum of forty dollars per month each, such compensation to be determined by the Board of Supervisors of said county; Bailiffs of Courts, not exceeding three dollars per day for each day's actual attendance on Court; Deputy Assessors, not exceeding four dollars per day for the time actually employed in the duties of the office, and in addition the percentage as provided in section five of this Act.

SEC. 4. Section sixteen of said Act is hereby amended so as to read as follows: Section 16. The Board of Supervisors of said county shall furnish all county officers in this Act named with an office in the Court-house building of said county, and no county officer except the County Judge and District Attorney shall be furnished or provided with an office elsewhere at the expense of said county. The Board of Supervisors shall also furnish to the various officers in this Act named the necessary stationery, fuel, and light for their respective offices, and shall from time to time examine the books, incomes, and business of said offices.

Board to furnish offices.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCXLI.—An Act to amend an Act entitled "An Act to re-incorporate the City of San Jose," approved March seventeenth (17th), one thousand eight hundred and seventy-four (1874).

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section sixty-seven (67) of an Act entitled "An Act to re-incorporate the City of San Jose," approved March seventeenth (17th), one thousand eight hundred and seventy-four (1874), is hereby amended so as to read as follows: Section 67. All that certain tract or parcel of land situated and lying in the County of Santa Clara, and State of California, and being a portion of the Pueblo lands of the City of San Jose, and commonly known as the "City Reservation," and containing four hundred acres and fifty-five hundredths of an acre of land, as surveyed by J. J. Bowen, County Surveyor of Santa Clara County, March twenty-eighth (28th) and twenty-ninth (29th), one thousand eight

Certain land declared a public park.

hundred and sixty-seven (1867), is hereby declared a public park, and the Mayor and Common Council of said city are hereby authorized and empowered to pass such ordinances as may be necessary for the preservation of such reservation or park for public use; but said Mayor and Common Council shall have no power to sell or dispose of or alienate the said park or reservation; *provided, however*, that said Mayor and Common Council may lease the same for a term not exceeding ten years, upon such terms and conditions as they may deem proper; but such lease shall not authorize or permit any use or disposition of said park or reservation as to prevent the free use thereof, during the existence of such lease, by the people of said city, as a public park.

SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately on its passage and approval.

CHAP. CCXLII.—*An Act concerning the Santa Clara Avenue and certain public lands of the City of San José, in the County of Santa Clara.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Road  
declared a  
public  
highway.

SECTION 1. The road within the County of Santa Clara known and designated as the "Santa Clara Avenue," and leading from the corporate limits of the City of San José, at the eastern terminus of Santa Clara Street in said city, extending in an easterly direction to the public lands of said city upon Penetencia Creek, is hereby declared a public highway, to be under the control and supervision of the Board of Supervisors of said County of Santa Clara in all respects as other public roads and highways are now controlled by said Board of Supervisors in said county.

Certain  
lands de-  
clared a  
public park

SEC. 2. The tract of land, portion of Penetencia Reservation, so-called, heretofore selected on Penetencia Creek by the Board of Commissioners and the Mayor of the City of San José, by authority of an Act entitled "An Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara," approved March fifteenth, eighteen hundred and seventy-two, shall be and remain a public park forever for public use, and shall be under the exclusive charge, control, and management of the Mayor and Common Council of the City of San José, who shall have the power to lease any portion or the whole of said park to such persons, upon such terms, and for such periods, not exceeding ten years, as they may deem advisable; *provided*, that said premises so leased shall be and remain open to the public free of charge; *provided further*, that all moneys received from leases made under the provisions of this section shall be

appropriated by the said Mayor and Common Council of said city in improving and keeping up said park. The right to the waters of Penetencia Creek, to use, flow, or direct the same through said park is hereby declared to be in the said the Mayor and Common Council of said City of San José, and for the public use, and they are hereby authorized to procure, by condemnation or otherwise, so much of the waters of said creek as may be required upon said park.

SEC. 3. All moneys now in the hands of the Santa Clara Avenue Commissioners shall be turned over to said Mayor and Common Council, and shall be by them expended exclusively for the improvement of said park.

SEC. 4. The Board of Supervisors shall plant trees on that portion of said Santa Clara Avenue, from the eastern terminus of Santa Clara Street, in the City of San José, to the western terminus of the lines of trees now planted, and shall maintain and improve the trees along the entire line of said Santa Clara Avenue in a good and sufficient manner. The cost of planting trees and maintaining and improving the ornamentation of said avenue, as provided in this section, shall be paid out of the Current Expense Fund of Santa Clara County. Trees planted.

SEC. 5. An Act entitled "An Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara," approved March 15th, eighteen hundred and seventy-two (1872), and the Act amendatory thereof, approved March 23rd, eighteen hundred and seventy-four (1874), and all Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed. Repeal.

SEC. 6. This Act shall take effect and be in force from and after its passage and approval.

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CHAP. CCXLIII.—*An Act to amend an Act entitled "An Act to establish and define the powers and duties of the Board of Education of the City of Petaluma," approved January 6th, A. D. 1872, and the Acts supplementary thereto and amendatory thereof.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An Act entitled "An Act to establish and define the powers and duties of the Board of Education of the City of Petaluma," approved January 6th, A. D. 1872, and the various Acts supplemental thereto and amendatory thereof, are hereby amended by the addition of two new sections, to be numbered sixteen (16) and seventeen (17) respectively, and shall read as follows: Section 16. The Board of Education of the City of Petaluma is hereby authorized to issue and sell or otherwise dispose of bonds not exceeding Sale of bonds.

in the aggregate four thousand (\$4,000) dollars; one-half of said amount to be paid in one year, and one-half in two years from date of issue; all payable in gold coin, and to bear interest at the rate of eight per cent. per annum, payable annually. Said bonds shall be issued in sums of not less than one hundred nor more than five hundred dollars, shall bear the date of their issue, and shall be signed by the President and countersigned by the Secretary of the said Board of Education. Section 17. Said bonds shall be sold or disposed of by order of said Board of Education in such sums and in such manner as they may deem best for the interest of the School Department of said city; and the funds realized from the sale thereof shall be paid into the city treasury of said city, and shall be drawn therefrom upon the order of the said Board of Education for the purpose of enlarging, repairing, or building school houses within and for the said City of Petaluma, and for no other purpose whatever.

CHAP. CCXLIV.—*An Act to confer further powers on the Common Council of the City of Santa Barbara.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Power of  
Council to  
condemn  
certain land.

SECTION 1. The Common Council of said city may purchase or condemn, under the provisions of Title VII, Part 3rd, of the Code of Civil Procedure, the lands and improvements lying and being in the City and County of Santa Barbara, and more particularly described, as follows, to wit: Commencing at the most southerly corner of city block No. 174, thence along the N. W. line of De la Guerra Street northeasterly one hundred and thirty feet to the line of the De la Guerra Plaza; thence northwesterly along the line of said plaza twenty-three feet; thence southwesterly at right angles one hundred and thirty feet to State Street; thence along the line of State Street southeasterly twenty-three feet to place of beginning. Also, commencing at the most easterly corner of city block No. 174, thence along the line of De la Guerra Street southwesterly two hundred and ten feet to the line of De la Guerra Plaza; thence along the line of De la Guerra Plaza northwesterly fifty feet; thence at right angles northeasterly two hundred and ten feet to Anacapa Street; thence along the line of Anacapa Street southeasterly fifty feet to the place of beginning, together with such improvements as there may be upon the premises herein described.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXLV.—*An Act to amend an Act entitled "An Act concerning streams in the County of Santa Clara," approved March twenty-eighth, eighteen hundred and seventy-two.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four of said Act is hereby amended Tax levied. so as to read as follows: Section 4. The Board of Supervisors of the County of Santa Clara are hereby authorized and empowered, at the sessions of said Board at which other taxes are levied, to levy annually upon all taxable property in said county a tax of not less than one and one-half cents on each one hundred dollars, and not more than three cents on each one hundred dollars of taxable property, for the purpose of creating a fund to be designated the "River Improvement Fund," and which tax shall be collected and paid into said fund and kept separate from all other funds; and said Board are hereby authorized and empowered to use and appropriate said fund and the moneys therein in the county treasury, or so much thereof as may be necessary, in payment of damages or compensation which may be allowed or awarded under the provisions of the Act to which this is amendatory, and for the improvement of such streams as have been or may hereafter be condemned, or the control thereof otherwise acquired by said county.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXLVI.—*An Act to authorize the Board of Supervisors of the County of Santa Clara to issue bonds in payment of certain indebtedness.*

[Approved March 16, 1878.]

WHEREAS, In the month of September, A. D. one thousand Preamble. eight hundred and seventy-five (1875), James Lick and the Trustees of the James Lick Trust entered into an agreement with the Board of Supervisors of the County of Santa Clara whereby the said James Lick and the said Trustees of said Trust agreed to erect an astronomical observatory upon the summit of Mount Hamilton, in said county, provided said county would construct a good and sufficient road to said summit; and also agreed to cash the warrants of said county issued in payment for the construction of said road; and, whereas, said Board of Supervisors, on behalf of said county, did thereafter cause said road to be built in accordance with said agreement, and at a cost of about seventy thousand dollars (\$70,000), and did issue the warrants of said county in payment therefor, all of which

warrants bore interest at the rate of seven per cent. per annum, and were cashed by the said Trustees of the James Lick Trust in pursuance of their agreement; and, whereas, in pursuance of said agreement there were issued, payable out of the General Road Fund of said county, warrants amounting to an aggregate sum of twenty-seven thousand three hundred and thirty-nine dollars and eighty-seven cents (\$27,339 87); and, whereas, said General Road Fund was abolished by Act of the Legislature; and, whereas, there are no funds of said county which can be applied to the payment of said sum of twenty-seven thousand three hundred and thirty-nine dollars and eighty-seven cents (\$27,339 87), and the accruing interest thereon; and, whereas, said Trustees of said Trust are willing to accept the new interest-bearing bonds of said county in payment for said warrants so drawn upon said General Road Fund, and said Board of Supervisors, on behalf of said county, are desirous of issuing said bonds to said Trustees in payment of said warrants; therefore,

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Issuance  
of bonds.

SECTION 1. The Board of Supervisors of the County of Santa Clara are hereby authorized and empowered to issue bonds on behalf of said county to the extent of and not exceeding the amount of the warrants drawn on the General Road Fund of said county for the construction of the Lick Avenue to the summit of Mount Hamilton, in said county, amounting to the aggregate sum of twenty-seven thousand three hundred and thirty-nine dollars and eighty-seven cents (\$27,339 87), and the accrued interest thereon, which warrants are now held by the Trustees of the James Lick Trust, and are numbered respectively two hundred and seventy-eight (278), four hundred and twenty-three (423), five hundred and seventy-two (572), six hundred and five (605), six hundred and six (606), and seven hundred and ninety-four (794).

Bond will be  
payable;  
when.

SEC. 2. Said bonds shall be made payable to the Trustees of the James Lick Trust, in gold coin, on or before the first day of January, A. D. one thousand eight hundred and ninety (1890); *provided*, that whenever the foundations for the Lick Observatory, on Mount Hamilton, in said county, are fully completed, and the Board of Supervisors of said county are satisfied, by full and sufficient evidence, that said Trustees have entered into a proper contract with competent persons for the construction of the proper instruments to be used in said observatory, then said bonds shall become due and payable by said county. The said bonds shall contain a provision that if the payees therein named, to wit, the Trustees of the James Lick Trust, shall fail or neglect to erect and complete the astronomical observatory by them proposed on Mount Hamilton, in the said county, on or before the first day of January, A. D. one thousand eight hundred and ninety (1890), the said bonds shall be forfeited to



said county on and after said first day of January. A. D. one thousand eight hundred and ninety (1890), and shall be surrendered to said county for cancellation, and the same shall, when so surrendered, be canceled by the Treasurer of said county.

SEC. 3. Said bonds shall be of a denomination of not less than one thousand dollars, and shall be signed by the Chairman and by the Clerk of the Board of Supervisors of said county. The County Clerk of said county shall keep a register showing the date and number of said bonds, and shall make two certified copies thereof, and shall deliver one to the Treasurer and one to the Auditor of said county.

Denomina-  
tion of  
bonds.

SEC. 4. When said bonds shall have been issued as herein provided, they shall be placed in the hands of the County Treasurer of said county, who shall deliver the same to the Trustees of the James Lick Trust upon the surrender to him of said warrants in this Act specified.

SEC. 5. When said warrants are surrendered to the Treasurer, he shall write across the face of each one thereof the words "Paid by bond to the Trustees of the James Lick Trust," and shall date and sign the same.

SEC. 6. When any of said bonds are redeemed, the same shall be delivered by the Treasurer of said county to the Auditor of said county, who shall receipt to the Treasurer therefor, and mark the same "paid" upon the register copy thereof in his office, and shall report the same to the Board of Supervisors of said county.

SEC. 7. Said bonds shall bear no interest, but the interest which has accrued on the warrants specified in section one of this Act up to the date of the issuance of said bonds shall be added to and be made a part of the principal of said bonds.

Not interest  
bearing.

SEC. 8. At the time of levying State and county taxes next preceding the date when said bonds shall become due, the Board of Supervisors shall levy an additional sum sufficient to redeem said bonds, and said additional tax shall be levied and collected at the same time and in the same manner as prescribed by law for the levying and collecting of State and county taxes. The additional tax so levied and collected shall be applied to the redemption of said bonds, and to no other purpose.

Redemption  
of bonds.

SEC. 9. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 10. This Act shall take effect and be in force immediately upon its passage and approval.

CHAP. CCXLVII.—*An Act authorizing the Mayor and Common Council of the City of San José to establish and provide for the maintenance of a Board of Health.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Board of Health.

SECTION 1. The Mayor and Common Council of the City of San José may establish, by ordinance, a Board of Health therefor, to consist of five regular practising physicians, graduates of a medical college of recognized respectability.

SEC. 2. The members of the Board hold their offices at the pleasure of the appointing power.

Power of same.

SEC. 3. The Board of Health of the City of San José has a general supervision of all the matters appertaining to the sanitary condition of the city, and make such rules and regulations in relation thereto as are not inconsistent with law.

SEC. 4. The Mayor is ex officio President of the Board. The Board must meet monthly, and at such other times as the President may direct. In the absence of the President, the Board may elect a Chairman who is clothed with the same power as the President.

Health Officer.

SEC. 5. The Health Officer for the City of San José is elected by the Board of Health, and holds office at its pleasure. He must be a graduate of some medical college in good standing, and must reside within the City of San José.

SEC. 6. The Health Officer may perform all acts which Quarantine Officers are usually authorized to perform, and he is the executive officer of the Board of Health.

Powers and duties of Board.

SEC. 7. The Board of Health may locate and establish pest houses, and cause to be removed thereto and kept any person having a contagious or infectious disease, may discontinue or remove the same, and make such rules and regulations regarding the conduct of the same as are needful.

SEC. 8. The Board of Health must exercise a general supervision over the death records of the City of San José, and may adopt such forms and regulations for the use and government of physicians and undertakers and superintendents of cemeteries, as in their judgment may be best calculated to secure reliable statistics in the mortality in the city, and prevent the spread of disease.

SEC. 9. The Mayor and Common Council of the City of San José must, by ordinance or otherwise, provide for enforcing such orders and regulations as the Board of Health may, from time to time, adopt.

Payment of expenses.

SEC. 10. All expenses necessarily incurred in carrying out the provisions of this article must be provided for by the Mayor and Common Council of the City of San José, who may make appropriation therefor out of the Special Street Fund if the same is sufficient; if not they may by taxation provide a fund therefor.

SEC. 11. The Mayor and Common Council must fix the compensation of the Board of Health and the Health Officer.

CHAP. CCXLVIII.—*An Act respecting the Hospital of the County of Placer.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Board of Supervisors of the County of Placer shall, within three months after the passage of this Act, provide suitable accommodations at or in the hospital of their county, or elsewhere within or near the Town of Auburn, for indigent sick or otherwise dependent poor women of their county, and shall thereafter admit such women to their hospital, or to such other buildings or accommodations as may be provided for such purpose by said Board of Supervisors upon affidavit, or other proof satisfactory to the Clerk of the Board, of such indigent sickness or dependent poverty; and in order to carry this Act into effect, said Board of Supervisors are by this Act authorized, and it is made their duty, to levy all necessary taxes therefor, which taxes shall be levied in all respects as provided in Section 4046 of the Political Code, and collected as other taxes; and in the meantime, and until such accommodations shall have been provided, said Board shall order warrants drawn upon the "Hospital Fund" of their county, and in favor of such women as shall be reasonably necessary for their maintenance.

Provision made for certain sick persons.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXLIIX.—*An Act to amend an Act entitled "An Act to incorporate the Town of Martinez and to provide for the government thereof," approved April first, eighteen hundred and seventy-six.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section two of said Act is hereby amended to read as follows: Section 2. The corporate limits of the Town of Martinez shall be as follows, viz.: Beginning at a point three hundred feet due north of the point where the fence dividing the lands of J. P. Jones and L. I. Fish touches the Straits of Carquinez; thence southwardly to and along said fence and continuing the same course to the line of the Homestead Tract of H. Bush; thence westwardly along the north line of Bush's Homestead Tract to the Arroyo del Ambre; thence southwardly along said arroyo to the center of G Street; thence westwardly along G Street to the western

Boundaries defined.

boundary of the Town of Martinez, as officially surveyed; thence northwardly following the westwardly boundary of the town plat [to] the northwest corner of block number twenty-six; thence in a northwestwardly direction and in a direct line to the southwest corner of block number one, half in the original survey of said town, and continuing in the same direction to a point in line with the present fence of William A. Piper on the line of the Rancho Cañada del Ambre; thence due north to a point in the Straits of Carquinez three hundred feet north of high water-mark; thence eastwardly by a line parallel with the railroad track to the place of beginning; *provided*, that this Act shall in no manner affect the title to real property below high water-mark.

Power of  
Trustees.

SEC. 2. Section seven of said Act is amended so as to read as follows: Section 7. The Board of Trustees shall have power to make such by-laws and pass such ordinances, not inconsistent with the Constitution and laws of the United States, and of this State, as they may deem necessary; to preserve order; to prevent and remove all nuisances detrimental to health and comfort; to prevent horses, cattle, hogs, sheep, or goats from running at large in the streets or upon the inclosed grounds in said town; to protect property in the town from fire, and to appropriate money from the funds of the town for the purchase of hooks, ladders, buckets, axes, and other apparatus necessary to be used in extinguishing fires; and to punish the violation of any ordinance, passed pursuant to this section, by a fine not exceeding fifty dollars.

SEC. 2.\* This Act shall take effect and be in force from and after its passage.

#### CHAP. CCL.—[See volume of *Amendments to the Codes*.]

This Act also regulates certain Acts in relation to the terms of the County and Probate Courts of certain counties.

#### CHAP. CCLI.—*An Act to repeal an Act entitled "An Act to protect the public roads in Santa Clara County."*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Repeal.

SECTION 1. The Act entitled "An Act to protect the public roads in Santa Clara County," approved March thirteenth, eighteen hundred and seventy-six, is hereby repealed.

SEC. 2. This Act shall take effect immediately upon its passage and approval.

CHAP. CCLII.—*An Act to regulate the registration of voters, and to secure the purity of elections in the City and County of San Francisco.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The conduct, management, and control of elections and matters pertaining to elections in the City and County of San Francisco is hereby taken from the Board of Supervisors and vested in a Board of five Commissioners, who shall consist of the Mayor, the Auditor, the Tax Collector, the City and County Attorney, and the City and County Surveyor of said city and county, which Board is hereby invested with all the powers, and charged with all the duties as to elections and matters pertaining to elections now vested in said Board of Supervisors. The Mayor shall be ex officio President of the Board of Election Commissioners, and the Registrar of Voters hereafter provided for shall be ex officio Secretary of said Board, and shall give advice and information to said Board when required by them so to do. Said Board shall meet and organize within twenty days after the passage of this Act, or sooner if practicable.

Control of elections transferred.

SEC. 2. The Board of Election Commissioners shall, as soon after each general election as convenient (not to exceed ninety days), proceed to divide said city and county into election precincts, of which there shall be so many as shall be sufficient to make the number of votes polled at any one election precinct to be not more than three hundred nor less than two hundred, as near as can be ascertained; *provided*, that the first division of said city and county into precincts under this Act shall be made as speedily as the same can be done after the organization of said Board.

Election precincts formed.

SEC. 3. There shall be a "Registrar of Voters" for the City and County of San Francisco, to be appointed by the Governor of the State of California from among the citizens of said city and county, subject to confirmation by the Board of Election Commissioners. His salary shall be thirty-six hundred dollars per annum, payable out of the treasury of said city and county as other salaries are paid, and he shall be allowed a Clerk, who shall receive a salary of one hundred and fifty dollars per month, payable in the same manner; and such other necessary clerical assistance as shall be found necessary to the discharge of the duties of said office, to be allowed and authorized by the Board of Election Commissioners of said city and county. He shall have a suitable office provided for him by the said Board, and such allowance for stationery, printing, and incidental expenses as shall prove necessary. He shall give an official bond in the sum of ten thousand dollars, with two sureties to be approved by the County Judge, conditioned for the faithful performance of his duty.

Registrar.

Salary.

Bond.

Powers and  
duties of  
Registrar.

SEC. 4. The Registrar of Voters, when appointed and qualified, shall be clothed with all the powers, discharge all the duties, and be liable to all the obligations and official consequences now belonging to, discharged by, or resting upon the County Clerk and Assessor of said city and county, with respect to the registration of voters and other matters pertaining to elections in said city and county, under the provisions of the Political Code of this State, so far as the same are not annulled by this Act. Said County Clerk, upon demand, shall transfer and deliver to said Registrar the Great Register, as well as other registers, records, books, documents, and things belonging or in anywise appertaining to the registration of voters, or other election matters in said city and county, and from thenceforward said Clerk and Assessor shall cease to be charged with any registration or election duties, and the same shall rest upon and be discharged by the Registrar.

Office hours.

SEC. 5. Said Registrar shall keep his office open for business every day in the year (Sundays and legal holidays excepted), from nine o'clock A. M. till five o'clock P. M. He shall have the power to administer oaths to election officers and all other persons in the discharge of his duty.

Duty of  
Registrar.

SEC. 6. The Registrar shall constantly inform himself, by examination and inquiry, as to the condition of the precinct registers and the legality of the names therein, or demanding to be placed thereon, and shall see that none but legal voters are registered. Should the Registrar have reason to believe that any name or names upon the precinct register is improperly or illegally there, it shall be his duty forthwith to send a written or printed notice, by postal card or otherwise, to such person, directing the same to his address as found in the Directory, or in case his name is not in the Directory, then to the address of such person opposite the name on the register of the last preceding election at which such name was voted, requiring such person to show cause before the Board of Election Commissioners why said Commissioners shall not cancel said name. If such person fail for five days to appear and establish the legality of such name on the day fixed for the hearing, and on the certificate of the Registrar that notice and publication in accordance herewith has been made, the Board shall inquire into the case, and if it appears to the satisfaction of the Board that such name is improperly upon the precinct register, then said Board shall make and enter an order directing the Registrar to cancel such name or names. But the parties may appear before said Board at the hearing and show cause against said order, and if the Board finds them properly registered, or entitled to registry, an order shall be made accordingly, which shall be final. The Board may designate any one of the Commissioners to hear and determine such matters.

Illegal registra-  
tion.

Death list.

SEC. 7. The Registrar shall keep in his office a list of all deaths occurring in said city and county of adult males, as well as of the deaths of such citizens as may come to his knowledge who may die elsewhere, to be alphabetically

arranged for convenience of reference. Also all removals or changes of residence, so far as he can learn the same, and commitments to prisons and insane asylums, with time and place, as well as such other information as shall be found useful and within his reach. It shall be the duty of all Clerks of Courts, prison keepers, health officers, and all other public officers and others, to furnish to said Registrar certified statements of such official facts within their knowledge necessary for him to obtain necessary or useful information in and about his said duty on demand.

Officers to furnish information.

SEC. 8. The Registrar of Voters, under and subject to the rules of the Board, must take charge of the business of placing the election officers, and at the last moment, when it is too late to call the Board together to fill vacancies, may select and appoint election officers for said purpose. Should any election officer fail to appear at the opening of any election, or at any time during the progress thereof, the officers in attendance may, subject to such rules as the Board of Commissioners shall provide, fill up the same by appointing any competent citizen. Any person refusing to serve, when so appointed, shall be liable to all the pains and penalties of this Act.

Appointment of election officers.

SEC. 9. The counting of votes, and all proceedings connected therewith, shall be in public, and citizens shall have free ingress and egress to and from the place where the same is being done.

SEC. 10. It is hereby made the duty of any and all voters in the City and County of San Francisco, persons holding office or employment under the United States, the State of California, or the City and County of San Francisco, or any of its departments, excepted, to serve as Judges, Inspectors, and Clerks, or other officers of election, whenever required to do so under the provisions of this Act.

Duty of voters.

SEC. 11. It shall be the duty of the Registrar to obtain from the tax list and register of voters of said city and county the names of the resident citizens of said city and county possessing the necessary qualifications to act as Judges, Inspectors, and Clerks of Election, taking care to select persons of good reputation and character, and have the same placed in a book, so as readily to refer to the places of residence and the precinct in which they vote. He shall take care that said list shows the names and residences of all taxpayers who reside in said city and county and who are voters, and shall ascertain, as nearly as he can, the capabilities of such voters to act as election officers. If any of them are incompetent to serve by reason of infirmity and not otherwise, their names may be left off, but the reason must be noted.

Duty of Registrar.

SEC. 12. Said Board of Election Commissioners shall select all election officers provided for by law for said city and county, and shall appoint them to their respective places. They shall have the power to make any regulations and rules for the appointment or selections they may deem advisable, so as to secure integrity, impartiality, and capacity for the work to be done; and if the list furnished them

Power of Commissioners.

by the Registrar does not contain a sufficiency of names of respectable and fit persons for election officers, they must take measures to secure the names of proper persons, citizens and voters of said city and county, and to fill up all appointments as hereinafter provided; *provided*, that in selecting election officers the Commissioners shall take care to select as nearly as possible an equal number of persons of opposite political faith and opinions to serve at each precinct.

Compensation of election officers.

SEC. 13. Each election officer under this Act shall be entitled to receive for his services the sum of two dollars per day while actually engaged in said work of receiving and counting votes, to be paid out of the treasury of said city and county in the manner now provided by law for the payment of such service, and no more; *provided*, that said Board of Commissioners may, in their discretion, raise the compensation of clerks for tallying, writing, and other matters requiring special skill and qualifications, to such sum as they shall find necessary to secure such service, but not to exceed six dollars per day; *provided*, that such increased compensation shall under no circumstances be allowed to any Judge or Inspector; *and provided further*, that no person holding any office or employment under the United States, the State of California, or the City and County of San Francisco, or any of its departments, nor any candidate for office, or who shall have been either thereof within ninety days, shall be eligible to, or be allowed to serve as an election or registration officer, clerk, or in any manner whatsoever at an election; *provided*, that the members of the Precinct Registration Boards shall receive for their services while acting upon the precinct registers the sum of forty dollars each, in full for such service.

Notice of appointment.

SEC. 14. Each and every person selected by the Board of Election Commissioners shall be notified by the Registrar of Voters of the fact of his appointment. Such notice shall be in writing, or printed, and shall have printed thereon a copy of this section. Such person, on receipt of such notice, shall appear within the time fixed in the notice, but which shall not be less than five days, before the Registrar and any two of the Commissioners, for the purpose of examination, and if found qualified shall, unless excused by said Commissioners by reason of ill-health or other good and sufficient cause, be bound to serve as such officer for the term of one year from the date of his appointment, unless previously excused or dismissed by the Board, and in case of neglect or refusal to comply with the above mentioned requirements, or to serve or act, shall be liable to a penalty of five hundred dollars, recoverable by civil action in any Court of competent jurisdiction, in the name of said city and county, and when collected shall be paid into the treasury for the benefit of the Election Fund. And a failure on the part of any such person to present himself for examination and to comply with any of the requirements of this Act preliminary to receiving his certificate of appointment within the time prescribed, or to attend on the day of any registration, or revision or examination of registration, or the day of any election



during said term, unless prevented by sickness or other sufficient cause (the burden of proof of which shall be upon the delinquent) shall be deemed a refusal within the meaning of this section.

SEC. 15. The registration of electors in the City and County of San Francisco shall hereafter be done by election or voting precincts, each precinct register being kept separate and distinct from all other precincts. The provisions of the Political Code requiring the keeping of a Great Register and ward registers shall no longer be applicable to said city and county. The provisions of said Code as to making and keeping the Great Register and as to the ward registers and the manner of entering the names of electors therein, and the substance and contents of said entries, and the alterations, changes, and cancellation thereof, as well as the proceedings and proof to enable voters to be registered in said Great and Ward Registers, and all other matters relating thereto, so far as the same are not in conflict or inconsistent with the provisions of this Act, are hereby made applicable to the precinct registers of said city and county authorized by this law. And said precinct registers shall be used at all elections in like manner and with like effect that ward registers were used before the passage of this Act; and no person shall vote at any election except he be legally registered upon the precinct register of the precinct in which he is a qualified voter.

Registration; how done.

SEC. 16. The registration of electors in the precinct registers in the City and County of San Francisco shall take place previous to each general State election as herein provided, and an elector properly enrolled therein, without being again enrolled, may vote at the general election ensuing his registration and at all special elections between said general election and the next general election, but not afterwards until re-registered according to law.

SEC. 17. In addition to the matters required by section one thousand and ninety-six of the Political Code to be entered in the register, the precinct registers in the City and County of San Francisco shall particularize the place of residence of each elector registered, by specifying the name of the street, avenue, or other location, of the dwelling of such elector, with the number of such dwelling, if the same has a number, and if not, then with such description of the place that it can be readily ascertained and identified. If the elector be not the proprietor or head of the house, then it must show that fact, and upon what floor thereof, and what room such elector occupies in such house; all of which facts are to be ascertained from such elector in the manner required by law for proving the qualification of electors to entitle them to be registered. Any person making a false oath with respect to residence, as provided for in this section, shall be deemed guilty of perjury, and on conviction punished accordingly.

Place of residence particularized.

SEC. 18. A sufficient quantity of blanks for precinct registers for all the precincts of said city and county shall be prepared by said Registrar of Voters as soon as is practicable

Registrar to keep blanks.

Registration;  
when commenced.

after his entry upon office, and as often as required by this Act thereafter, and kept at the office of said Registrar, so that voters may be registered upon application and proper proof according to law. Ninety days before each general election the Registrar shall commence the registration of all voters entitled thereto who apply with the proper proof. Such voters shall be registered in the precinct registers for the precinct where they are entitled to vote, and not otherwise. Such registration shall continue at the office of the Registrar until the precinct registers are turned over to the Board of Precinct Registration, as is hereinafter provided for, when it shall cease at said office. Such registration shall be made subject to the rules herein provided for the Board of Precinct Registration.

Board of Precinct Registration.

SEC. 19. There shall be a Board of Precinct Registration in each precinct of said city and county, which shall be constituted in the following manner: The Board of Election Commissioners, as soon as is practicable after they shall have divided the city and county into election precincts as hereinbefore provided for, shall proceed, in the manner provided in section thirteen hereof, to appoint the one original Inspector and the two original Judges of Election provided for in section one thousand one hundred and forty-two of the Political Code for each precinct. Said Inspector and Judges shall serve for one year, unless otherwise ordered by the Commission, and in addition to acting as election officers at all the elections during the year, shall serve as precinct registering officers for enrolling the electors of their respective precincts on the precinct registers thereof. All other election officers shall be appointed by the Board of Election Commissioners at such time as shall be necessary before the election.

Meeting of Boards.

SEC. 20. Said Boards of Precinct Registration shall meet in the places provided in their respective precincts for such purpose by the Registrar of Voters, commencing five days (not counting Sundays or legal holidays) before the day fixed by this Act for the cessation of the registration of electors in said city and county, and shall sit in open session from nine o'clock A. M. until ten o'clock P. M. of each day, until the day of such cessation (Sundays and legal holidays excepted), to receive and act upon applications for registration on the part of the voters of said precinct. They shall organize by electing one of their number Chairman. They shall receive the applications for registration of such male residents of their several election precincts as then are, or on the day of election next following the day of making such application, would be entitled to vote therein, and who shall personally present themselves, and such only.

Duty of Registrar.

SEC. 21. It shall be the duty of the Registrar of Voters to provide suitable places in each precinct for the sessions of the Board of Precinct Registration. He shall also furnish them with blanks, stationery, and all other matters and things necessary to enable them to conveniently and speedily perform the duties devolving upon them under this Act. He shall also give such Boards his assistance and advice in

organizing and conducting the registration of voters and other matters required of them by law, and shall visit said Boards, while engaged in said duty, and see that said proceedings are conducted according to law, and the registers made in due form. He shall be allowed free access to the precinct registers at all times, and, within such reasonable limits as the Board of Election Commissioners shall prescribe, the public shall have access thereto in like manner.

SEC. 22. As soon as the Board of Precinct Registration shall have commenced their sittings for registration in the several precincts, as herein provided for, registration at the office of the Registrar shall cease, and the precinct registers shall be turned over by the Registrar to said respective Boards, who shall go on with the registration of voters at the places provided by law for them in their respective precincts until the time provided by law for registration to cease, when all registration shall stop, except in the cases specially provided for in section twenty-nine of this Act. It shall be the duty of the Board of Precinct Registration, in addition to their other duties, to carefully examine and revise the names of voters upon their several precinct registers, as turned over to them by the Registrar, and to ascertain if such names are the names of legal voters, properly on said precinct register and entitled to vote in said precinct.

Cessation of registration.

SEC. 23. The Board of Precinct Registration shall keep the several precinct registers for such time as shall be necessary, not to exceed three days after the time for registration ceases according to law, during which time they shall hear and determine applications for registration in the excepted cases provided for in section twenty-nine of this Act. They shall also make diligent examination and inquiry during said period as to the right of the respective voters who have been registered on said precinct register to such registration, and shall in all doubtful cases certify their doubts, with the reason thereof, to the Board of Election Commissioners for further action. All persons who are refused registration by the Registrar or by the Precinct Board can appeal to the Board of Election Commissioners, who shall hear and determine the same in a summary manner, so as not to delay the completion of the registers.

Duty of Board.

Appeal.

SEC. 24. When the Board of Precinct Registration have completed the examination and inquiry provided for in the preceding section, they shall certify the precinct register, as is hereinafter provided, and deliver the same to the Registrar of Voters. Said delivery shall be made not later than three full days after the cessation of registration as provided by law. They shall at the same time prepare and duly certify a separate and distinct list, showing the names of all persons concerning whose right to registration they are in doubt, together with grounds or reasons for such doubt. Such list and certificate shall be delivered to the Registrar at the same time with the precinct register. Proper blanks shall be prepared and furnished by the Registrar for the

Board to certify register, etc.

purpose of making the return of doubtful names on the registers, and also blank certificates, and all other necessary things for said purpose.

Form of  
certificate of  
register.

SEC. 25. The certificate to be attached to the precinct register shall be substantially in the following form, to wit:

We, the undersigned, Inspectors and Judges of Election forming the Board of Precinct Registration for the — Precinct of the — Ward, of the City and County of San Francisco, do jointly and severally certify that on the — day of —, 18—, we met and organized as such Board, at the place appointed by law for the holding thereof in said precinct. That the precinct register was delivered to us by — —, Esquire, Registrar of Voters for said city and county, containing at the time of its delivery to us the names of (stating number) voters. That we have examined and inquired into said list to the best of our ability, and have noted all doubtful registration thereon. We also certify that we sat as a Board of Precinct Registration at said place, —, from the — day of — till the — day of —, 18—, and have admitted to registration (showing number) citizens, whose names and other matters of qualification will appear upon the foregoing register, and that the whole number of qualified voters upon said register is (number) —.

Dated, San Francisco, —, 18—.

(Signed):

— —,

(Signed):

— —,

(Signed):

— —.

Form of cer-  
tificate of  
doubtful  
names.

SEC. 26. The certificate to be annexed to the list of doubtful names shall be substantially in the following form to wit:

We, the undersigned, composing the Board of Precinct Registration for the — Precinct of the — Ward, of the City and County of San Francisco, hereby certify that the accompanying list shows all the names and other matters of qualification of voters upon the precinct register for said precinct about whose right to registration we entertain a reasonable doubt, together with a statement of the cause or grounds for such doubts.

Dated, San Francisco, —, 18—.

(Signed):

— —,

(Signed):

— —,

(Signed):

— —.

Doubtful  
persons  
notified.

SEC. 27. It shall be the duty of the Registrar to forthwith notify all persons certified as doubtful, of said fact, and to cite them before the Board of Election Commissioners, as provided in section six of this Act, in cases where the Registrar has reason to believe persons have been improperly registered, and the same proceedings shall be had as to citation and cancellation as provided for in said section.

Register  
subject to  
certain  
changes.

SEC. 28. Fifteen days before a general election all registration or enrollment of voters shall cease, and the precinct registers as they stand shall be the precinct registers for said ensuing election, and until the next general election, subject only to changes in the following cases:

I. All that for any reason are illegally on the precinct register shall be canceled.

II. Any name that has been once lawfully on the precinct register so as to entitle the person to vote at said ensuing election, and which has been by fraud, mistake, or otherwise improperly removed or canceled, may be restored, on proper evidence thereof

III. Any legal voter who applied in time for enrollment on a precinct register, and through any fault or neglect of the Registrar, or Board of Precinct Registration, or for want of time on the last day, he having duly applied on said day, has his name left off, may have the same put on afterward, on showing that he applied in time, and that it was through no fault or neglect of his own that it was left off.

Any voter entitled to have his name upon the precinct register under the terms of any of the three preceding subdivisions, and no others, may have the same placed upon the supplementary register provided for in the next section within five days from the time herein provided for the cessation of enrollment on the precinct register. Any person who does not so apply within said time shall not be enrolled on the precinct register for said election; *provided*, that nothing in this section shall be deemed to prevent any lawful changes, additions, and supplements to said precinct registers after the general election and prior to any special election thereafter to be made under the regulations fixed by the Board of Election Commissioners, and to be used at other than general elections.

Enrollment  
of certain  
persons.

SEC. 29. As soon as the Registrar shall receive the precinct register from any Board of Precinct Registration he shall proceed with the greatest diligence to cause said precinct register to be printed, and the same shall be printed and copies of them posted in his office for public inspection within three days. He shall also proceed by means of clerks and other assistants, to be provided by the Board of Election Commissioners, to ascertain by inquiry and examination the correctness of said precinct registers, and to cancel all names not legally thereon, and shall prepare a supplemental list for each precinct showing the cancellations and additions to the regular list made after the publication of the same, which supplemental list shall be printed and posted in like manner five days before the election, after which no changes shall be made; *provided*, that all cancellations and additions to the registers made by the Registrar shall be subject to the approval of the Board of Election Commissioners. In printing precinct registers each letter of the alphabet shall be commenced upon a new or separate page, and blank pages to a sufficient and proper number shall be left with printed headings only so as to allow for such additional names as are authorized by law to be written in by the Registrar supplementary to the printed names.

Printing of  
registers.

Supple-  
mental list.

SEC. 30. Not less than ten days before the day for the sitting of the Boards of Precinct Registration the Registrar shall cause an advertisement to be printed for ten consecutive days in three daily morning and three daily evening

Notice of ex-  
piration of  
enrollment.

(including the official paper) newspapers published in said city and county, giving notice to the voters of said city and county, that the time for the enrollment of voters on the precinct registers will expire on a certain day, naming the day, fixed in this Act for the last day of registration, and inviting them to present themselves for registration at the place of the meeting of said Boards, which shall be named, within the time, under penalty of being debarred the privilege of voting at such election. Such notice shall specify the day upon which the precinct registration by the Board of Precinct Registration shall commence, and also the day upon which it is to end.

Renewal of  
registration.

SEC. 31. Any elector who has been legally registered in the precinct register, provided he has not changed his residence or otherwise lost his right to vote in his precinct, shall not be required to renew such registration until the making up as herein provided of the precinct register for the next ensuing general election, after the election for which such registration was made, but may vote in such precinct at any election taking place before such general election. The precinct registers shall be printed in sufficient numbers to allow for their being used at all the elections likely to occur before the next general election after the one then for which the registration is made, and all necessary changes or additional names shall be noted upon the register for each special election thereafter, or added in supplements thereto, conformatory so far as the same is applicable to the provisions of the law governing the making of the general election register. The Board of Election Commissioners are hereby empowered to make rules governing such supplemental registration for special elections. The Board is also empowered to provide for and regulate all special elections occurring before the making of the first set of precinct registers under this Act, and for such elections the ward registers shall be used in the precincts, subject to such rules and regulations as the Board of Election Commissioners shall establish.

Power of  
Board.

Registrar  
to procure  
rooms, etc.

SEC. 32. The Registrar of Voters shall procure rooms or places both for the sitting of the Board of Precinct Registration as well as for polling places, subject to the approval of the Board of Election Commissioners both as to location and cost.

SEC. 33. All provisions for carrying out the registration and election laws in said City and County of San Francisco shall be made by the Board of Election Commissioners, and demands on the treasury authorized or allowed by them for such purposes shall have the same force and effect as if authorized or allowed by the Board of Supervisors.

SEC. 34. All of the provisions of the Political Code touching the registration and qualification of voters and the method of calling, holding, and conducting elections in force in said city and county at the passage of this Act, shall continue in force therein, so far as they are not inconsistent with the provisions hereof.

SEC. 35. This Act takes effect from and after its passage.

CHAP. CCLIII.—*An Act to incorporate the Town of Anaheim.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

CORPORATE NAME.

SECTION 1. The people residing within the boundaries of that tract of land in Anaheim Township, in Los Angeles County, described in section two of this Act, are hereby constituted a body politic and corporate by the name of the Town of Anaheim, and by that name shall have perpetual succession, may sue and be sued in all Courts and in all actions whatsoever, and shall have and use a common seal and alter the same at pleasure, and may purchase, receive, hold, and enjoy real and personal property and sell and dispose of the same for the common benefit, subject to the provisions and limitations of this Act, and in no other way whatsoever.

SEC. 2. Beginning at the northeast corner of the original purchase of Outiveras, being the northeast corner formed by the intersection of North and East Streets; thence on a line along the north boundary of North Street and North Street projected until it intersects a north and south line drawn through the center of sections nine and sixteen of township four S., range ten west, as now established; then along the said line southerly, until it intersects the south line of section sixteen, same township and range, being southwest corner of Anaheim extension; thence east along south boundary of Anaheim extension to Walnut Street; thence north along east boundary of Walnut Street to southwest corner of lot thirty-one; thence along south boundary line of lot thirty-one and along the south boundary of a two hundred and thirty-three-acre tract of land sold by Juan P. Outiveras to Hansen and others, now owned by B. Dryfus, John P. Zeyn, S. A. Sheffield and others, to the southeast corner of said tract; thence northerly to the southeast corner of the original Anaheim tract; thence along east boundary line of East Street to point of beginning.

OFFICERS AND ELECTIONS.

SEC. 3. The government of said town shall be vested in a Board of Trustees, to consist of five members, an Assessor, Clerk, Marshal, Treasurer, and Justice of the Peace.

ELECTION.

SEC. 4. All elections held under the provisions of this Act shall be in accordance with the General Election Laws of this State. All the duties of an Election Board, which are or may be prescribed by the Statutes of the State regulating and governing elections, shall be performed by the Board of Election of said town, who shall be appointed by the Board of Trus-

tees of said town, and have the same power as a Board of Election under the general laws of the State. Any elector of the county who, at the time of the election, and for thirty days prior thereto, has resided in said town, and whose name is upon the Great Register of said county, shall be entitled to vote, but no poll list is required to be made of the voters of said town. When the returns shall have been completed they shall be sealed and delivered by the Board of Election to the Town Clerk, who shall safely keep the same, not allowing any person to open the said returns, and deliver them to the Board of Trustees, at their meeting, on the first Wednesday subsequent to the election. The Board of Trustees shall meet on the first Wednesday subsequent to the election, and duly canvass the election returns in the manner prescribed by the General Election Laws of the State, declare the result, and direct the Town Clerk to issue certificates of election to the persons elected.

#### ELECTION OF OFFICERS.

Election of officers.

SEC. 5. Said Trustees, Assessor, Clerk, Marshal, Treasurer, and Justice of the Peace, shall be elected by the qualified electors of said town on the last Monday of April of each year, and shall enter upon their duties upon the first succeeding Monday thereafter, and they shall hold their offices for one year and until their successors are elected and qualified.

#### MEETINGS OF TRUSTEES.

Meeting of Trustees.

SEC. 6. The Board of Trustees shall meet on the first Monday after their election, qualify, and choose a President from their number. The time and place of holding their stated meetings shall be as provided by ordinance, and they may be convened by the President at any time by a written notice delivered to each member, and all meetings of the Board shall be within the corporate limits of the town, and shall be public. In case the Clerk shall not be present, the President may appoint one of their number as Clerk *pro tem*.

SEC. 7. At the meetings of the Board a majority of the Trustees shall constitute a quorum to do business. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously by ordinance may have prescribed.

#### DUTIES AND POWERS OF THE BOARD OF TRUSTEES.

Duties and powers of Trustees.

SEC. 8. The Board of Trustees shall judge of the qualification of their own members and of all election returns, and determine contested elections of all town officers. They may establish rules for their own proceedings, punish any member or other person for disorderly behavior in their presence. They shall keep a journal of their proceedings, and at the desire of any member shall cause the ayes and



noes to be taken on any question and entered on the journal.

Duties and  
powers of  
Trustees.

SEC. 9. The Board of Trustees shall have power within said town:

*First*—To make by-laws and ordinances not repugnant to the Constitution and laws of this State or the United States.

*Second*—To construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for duly supplying the town with water, under the limitations hereinafter presented by this Act.

*Third*—To lay out, alter, open, and keep open, and repair the streets, sidewalks, and alleys of the town, determine the width and grade of all streets and sidewalks in the town, and to set out and cause to be set out and cultivated shade trees along said streets, and to regulate and direct the planting of the same.

*Fourth*—To provide such means as they may deem necessary to protect the town from injuries by fire.

*Fifth*—To levy and collect annually, not to exceed one per cent. on the assessment valuation of all property both real and personal within the limits of the town.

*Sixth*—To impose and collect a road poll tax of not exceeding two dollars per annum on every male inhabitant of the age of twenty-one and less than fifty years, and no other road poll tax shall be collected within the limits of the Town of Anaheim.

*Seventh*—To impose and collect a tax of not to exceed two dollars per annum on every dog owned within the limits of the town, and no other dog tax shall be collected within the limits of said town.

*Eighth*—To provide for the draining, the establishing of grades, improvements, repairs and lighting of the streets, and the construction of sidewalks, drains, and sewers, and the keeping of the same in repair, to prevent the business of slaughtering animals within the limits of the town, to provide for the prevention and summary removal of all nuisances, to provide for the prevention and summary removal of all occupations detrimental to the public health, comfort, and safety, and to provide for the prevention and regulation of contagious disease, to suppress or regulate the erection of soap, glue, or tar works, to suppress and prohibit gambling houses and all houses of ill-fame and prostitution, and all occupations, houses, places, amusements, and exhibitions which are against good morals and contrary to public order and decency.

*Ninth*—To regulate the erection of steam-boilers and engines, and to prohibit the erection thereof in places deemed dangerous to the inhabitants of the town.

*Tenth*—To prevent the leaving of any animal upon any street, alley, or lane within the limits of the town without securely fastening the same, also to prevent the hitching or fastening of any animal to, or to prevent the posting of any notice or placard upon or otherwise defacing or injuring any lamp-post or hydrant, or any tree upon any highway of the town, or any case or box around such tree.

Duties and  
powers of  
Trustees.

*Eleventh*—To prevent the appearance of any person upon any highway or public place in a state of drunkenness or intoxication, or in any private house or grounds, to the annoyance of any person therein, and to prevent any person or persons from behaving in an indecent or lewd manner, or making any indecent exposure of his person, or performing any indecent, immoral, or lewd play or representation, or the bathing in any public manner within the limits of the town; to prevent any noise, disorder, or tumult to the disturbance of the public peace.

*Twelfth*—To prevent the discharge of fire-arms, pistols, or cannon within prescribed limits; to prevent the immoderate riding or driving of any horse or other animal on the highways within the town; to prevent any sport or exercise upon the highway or public grounds having a tendency to frighten horses; to empower any police officer or Justice of the Peace to disperse any disorderly crowd.

*Thirteenth*—To provide for inclosing, improving, and regulating all public grounds at the expense of the town.

*Fourteenth*—To license, tax, and regulate all such business and employments as the public good may require and as may not be prevented by law, and fix the terms and price thereof.

*Fifteenth*—To permit the laying of railroad tracks and the running of cars drawn by horses or steam thereon, and to regulate the same.

*Sixteenth*—To erect, purchase, or lease proper buildings for a fire department.

*Seventeenth*—To provide for the good order of the town, and to appoint special policemen, when deemed necessary, to preserve the public peace.

*Eighteenth*—To purchase, hold, and maintain a fire engine and such implements for the prevention and extinguishing of fires as may be necessary.

*Nineteenth*—To prevent horses, mules, jacks, jennets, cattle, goats, sheep, and swine from running at large, being picketed or herded upon the streets, alleys, lanes, or public grounds within the limits of the town.

*Twentieth*—To establish a pound and a Pound-keeper, and prescribe his duties.

*Twenty-first*—To provide for lighting of such streets and buildings belonging to or in use by the town as may be necessary; *provided*, that no contract for lighting any street shall be let for a longer period than five years.

*Twenty-second*—To offer and pay rewards for the arrest and conviction of persons charged with crime.

*Twenty-third*—To prescribe and fix such penalties for the violation of any of the provisions of this Act as are not otherwise provided for.

*Twenty-fourth*—To erect, purchase, or lease a building necessary for the public meetings of the Board of Trustees; also, a suitable building for an engine house, and a structure suitable for a town prison; *provided*, that the amount expended for the construction of buildings shall not exceed four thousand dollars in any one year; *and provided further*,

that the amount expended for leasing shall not exceed one thousand dollars in any one year.

*Twenty-fifth*—The Board of Trustees shall have power to order in the general municipal election, on like notice and in the same manner as the other officers are elected, one or more Justices of the Peace, and one or more Constables, to hold office for one year and until their successors are elected and qualified.

*Twenty-sixth*—To pass all ordinances and by-laws necessary and proper for fully carrying into effect the power herein granted.

*Twenty-seventh*—They shall fix by ordinance each year the rate per cent. of taxes to be levied and collected for current expenses; *provided*, that no tax to be levied for any one year shall exceed one per cent. on all the taxable property in said town.

#### VIOLATION OF ORDINANCES.

SEC. 10. The Board of Trustees may, by ordinance, designate the punishment to be inflicted for the breach of their ordinances, which punishment may be fine or imprisonment, or both, as said Board may designate. No fine exceeding one hundred dollars nor imprisonment exceeding thirty days, for any one breach of any ordinance, shall be imposed on any one person. Any Justice of the Peace residing within the limits of said town shall have jurisdiction to hear and try all cases for the violation of ordinances, and to render a judgment of fine or imprisonment, or both, within the limits prescribed by the ordinance. All suits for the violation of any ordinance shall be in the name of the people of the State of California. Fines may be collected by execution. In case judgment directing the payment of a fine be rendered the Justice may further direct that in case the defendant fail to pay the same he shall be imprisoned until the same be paid, not to exceed one day for every two dollars of the fine. Persons living within the limits of the town shall be competent jurors, if in other respects competent and qualified. All fines collected under this Act shall, by the officers collecting the same, be paid over to the Town Treasurer, and for any omission so to do such officer may be proceeded against upon his official bond, in the name of the town, in the manner authorized by law on the failure of officers to pay over money collected when so required. Said Justice must also add costs of suit to the fine.

Violation of ordinances.

#### LAYING OUT AND OPENING STREETS.

SEC. 11. Article One. Whenever a petition shall be presented to the Board of Trustees of the Town of Anaheim, signed by twenty resident owners of real estate in said town, to open any street already established and sought to be extended, or open any new street, it shall be the duty of said Board to examine into said matter, and if, in the opinion of four-fifths of all the members elected to said Board, to be

Petition to open new street.

expressed by a resolution to be entered upon their minutes with the names of members voting therefor, that the convenience of the public will thereby be promoted, they may by resolution direct an engineer to furnish a map of the said proposed improvement and of the premises to be affected thereby, a copy of which resolution shall forthwith be transmitted by the Clerk of the said Board to said engineer.

Duty of  
engineer.

Article Two. It shall be the duty of said engineer upon receiving such notice to proceed and survey the said proposed improvement, to make a map thereof showing the location, boundaries, the amount of land necessary to be taken, and the names of the owners and possessors thereof, showing the portion owned and possessed by each, and return the same to the Board of Trustees within ten days after the receipt of said resolution by him, unless longer time shall be granted by said Board.

Publication  
of notice.

Article Three. Upon receiving said map and return from said engineer the said Board shall forthwith give notice of not less than thirty days, by publication in a newspaper, if there be one published in said town; if there be no newspaper published in said town then by posting notices at the place of meeting of said Board and at three other public places in said Town of Anaheim, of the time and place where they will hear all parties desiring to show cause against said improvements. At the time and place designated in such notice, or at such subsequent time as the Board may adjourn to—but such adjournment shall not in the aggregate exceed seven days—the Board shall proceed with such hearing.

Commis-  
sioners  
elected.

Article Four. If no objection be made, or if, after hearing the objections thereto, the Board shall remain of the opinion that such improvement should be made, they shall elect by ballot three Commissioners, residents and property owners in said town, not interested directly or indirectly in the proposed improvements or in the property to be affected thereby, to assess the damages and benefits to be caused by said improvements. Within two days thereafter, said Commissioners shall give notice of time and place where they will proceed to examine the property to be affected by such improvements, by an advertisement for three days in a newspaper published in said town, if there be a newspaper published therein, and if not, by posting notices at the place of meeting of the Board and at three other places in said town. At the time and place named they shall proceed to examine the lands and improvements to be affected by the proposed improvements, and shall first ascertain the amount of damages to be sustained, the names of the owners of the property to be damaged, and the amount to be paid to each of the owners therefor. They shall then assess upon the property to be benefited by such improvement a sum sufficient to pay the whole amount of said damages and the fees and expenses of said Commissioners, and shall apportion the same among the owners of the several parcels of property to be thus benefited in proportion to the amount of benefits to accrue to each. In making such estimate and apportionment they shall take all pertinent testimony that may be offered them,

Duty of  
Commis-  
sioners.

and may examine any witness that they shall deem it necessary or advisable to call, and shall have authority to administer oaths to all persons testifying before them. Within twenty-one days after the apportionment, unless further time be granted by the Board of Trustees, they shall make a report to the said Board of all assessments and awards so made by them, with the names and amounts of the persons damaged or benefited as aforesaid.

Article Five. Upon receiving such report said Board may, Tax levied. by ordinance, levy a tax upon the several parcels of property reported as benefited by said improvement for the amounts severally charged against each in said report, which tax shall be a lien on said several parcels of property, severally, and shall not be removed until said tax is paid. Immediately after levying such a tax they shall give notice thereof by advertisement, requiring the owners of the property taxed to pay the amounts severally due from each to the Town Marshal, within ten days from the first publication of said notice; at the expiration of said ten days, they shall issue to the Town Marshal a warrant, to be signed by the President and Clerk, commanding him to levy and collect all of the said tax that shall then be unpaid, with his fees for collection, from the property upon which the same is a lien as aforesaid, and shall thereupon deliver the same to said Marshal.

Article Six. Upon receiving said warrant the Marshal shall proceed to collect so much of said tax as is unpaid, by levy upon and sale of the several portions of property upon which said unpaid tax is a lien, in the same manner and with the same authority as sales on execution for Sheriffs, and return said warrant, with his doings thereon, within thirty days after the receipt thereof by him. If for any reason the whole amount thereof shall not be collected, said Board may issue with like effect a subsequent warrant or warrants until all be collected. Collection of tax.

Article Seven. As soon as money enough for the purpose Payment of damages. is received from said tax, said Board shall direct the Marshal to pay or tender to each party to whom damages have been awarded, the sums severally due them, and thereupon to proceed forthwith and open said street or other improvements, and the same shall thereupon be deemed to be open to public use for the purpose and to the extent in the original resolution prescribed. If any person or party entitled to damages cannot be found by said Marshal, he shall deposit the amount due to them in the town treasury, as a special deposit, subject to their order, and the same shall be deemed sufficient payment under this Act. The money so deposited shall not be drawn or used for any other purpose whatever.

Article Eight. All moneys collected under this Act shall be paid into the town treasury as a special fund, for the purpose for which they were collected, and shall not be drawn out or used for any other purpose whatever.

Article Nine. The engineer aforesaid, and the Commissioners to be appointed as herein prescribed, shall each have the right to go in or upon any property for the purpose of making the survey and examination above mentioned, or Power of certain officers.

Compensation.

for any other purpose necessary in the discharge of their duties under this Act. Said Commissioners shall each be entitled to three dollars for the first day, and two dollars for each subsequent day devoted to their duties as such Commissioners, and they shall not receive any other fees or compensation for such services.

#### IMPROVEMENTS OF STREETS AND PUBLIC GROUNDS.

Board authorized to make improvements.

SEC. 12. The Board of Trustees of the town shall have power and are hereby authorized to order the whole or any portion of the streets, lanes, alleys, places, courts, and public grounds of the town graded or regraded, curbed or recurbed, macadamized or remacadamized, paved or repaved, and to order sidewalks, crosswalks, culverts, sewers, cesspools, man-holes, and hydrants constructed therein, and to order any other work done which shall be necessary to make and complete and keep the same in good repair, and to order the streets and sidewalks and public grounds kept free from grass and weeds, and to order shade trees planted and taken care of along the line of the streets and in the public grounds, and the cost of making such improvements, except sidewalks and crosswalks, shall be paid out of the General Fund.

Same.

SEC. 13. Article One. The Board of Trustees may order any of the work authorized by section twelve of this Act to be done, and furnish plans and specifications for the same, after notice of their intention so to do, in the form of a resolution describing the work and signed by the Clerk of said Board, has been posted on three town bulletin boards for at least ten days, and insertion in some newspaper for one week, if there be one published within the town. Said notice shall describe the improvements to be made and the time within which sealed proposals will be received by said Clerk for the making of said improvements in accordance with the plans and specifications therefor. At the time specified in said notice, the Board of Trustees, in open session, shall open and examine all bids which shall have been received by the Clerk and publicly declare the same, and award the work to the lowest responsible bidder; *provided*, they may reject any or all bids, as the public good may, in their opinion, require, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with the town, and if all bids are rejected the Clerk shall re-advertise as aforesaid.

Opening of bids.

Duty of Marshal.

Article Two. When the Board of Trustees shall have awarded the making of any improvements, as aforesaid, it shall be the duty of the Town Marshal to forthwith enter into a contract with the successful bidder for the making of the improvements as advertised for and according to the plans and specifications therefor, and at the price named in the award of said Board. Said contract to specify the rate per front foot and the cost of each separate street crossing, including all work the full width of both streets on said crossings. Said Marshal shall require of the contractor a good and sufficient bond for the completion of the work as specified in the

said contract. Said bond to be approved by said Board of Trustees.

CONSTRUCTION AND REPAIR OF SIDEWALKS.

Article Three. The Board of Trustees of the town may determine and draw up, or cause to be drawn up, plans and specifications of the character of the sidewalks to be constructed or repairs to be made, between two given points on any street, and shall order said improvements to be made in accordance with said plans and specifications, and shall make an assessment of the costs thereof to each of the persons owning the real estate between said given points; each of said persons to pay the cost of said improvement in front of his property, and the same shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making such improvements in front of his property in accordance with the specifications and within the time mentioned in the ordinance ordering the improvements to be made, but if not so made then it shall be the duty of the Marshal forthwith to let out, in the manner provided by ordinance, the making of all improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect, or refuse to pay for the costs of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute a suit in the name of the town against the owner for the recovery of said costs, and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may be issued thereon and may be served as in other civil cases. The said Trustees may require said sidewalks, after such improvements have been made, to be kept in good repair by the owners of said real estate, and if not repaired, when ordered, the Marshal may let out the making of said repairs and collect the costs of the same in the same manner as in the case of the owners failing to make or pay for the costs of the improvements aforesaid; *provided*, that the costs of the plans and specifications shall be paid out of the General Fund of the town; and *provided further*, that all street crossings for sidewalks shall be made at the expense of the owners of the quarter blocks adjacent to said crossings.

Construction and repair of sidewalks.

DEBTS.

SEC. 14. Neither the Board of Trustees, or any officers or authority, shall have power to contract any debt against said town to exceed one thousand dollars.

Debts.

LEGAL ORDINANCES.

SEC. 15. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all the members elected, but no ordinance shall be passed upon the day of its introduction, or at any other than a regular meeting.

Legal ordinances.

## BOARD OF EQUALIZATION.

Board of  
Equaliza-  
tion.

SEC. 16. The Board of Trustees shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessment, and after ten days' notice, hold their meeting to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they or a majority of them shall deem just and proper. Said meetings shall be held for such length of time as the Board of Trustees shall by ordinance fix. Said Board shall not sit as a Board of Equalization after the first Monday of August, and on that day or within ten days thereafter they shall levy upon the assessed valuation of the property of said town the rate of taxation upon each one hundred dollars of valuation, which shall be entered upon their minutes. They shall then deliver to the Town Clerk the assessment roll, who shall compute and carry out the amount of tax so levied upon each parcel of property in said assessment roll contained, and shall deliver said assessment roll so made out and duly certified to to the Town Marshal for collection on the first Monday of September.

## OFFICIAL OATHS AND BONDS.

Official oaths  
and bonds.

SEC. 17. The Marshal, Assessor, Clerk, and Treasurer, before entering upon the duties of their office, shall take the oath of office as prescribed by law, and also give a bond, with sureties to be approved by the Board of Trustees of said town, payable to the Town of Anaheim, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their officers as required by law. Should the bond of any town officer become insufficient he shall be required to give such additional security, within ten days, as the Board of Trustees may require, not exceeding the amount fixed by ordinance. Upon his failure to do so at the time fixed, his office shall be declared vacant, and such vacancy shall be filled by appointment of the Board of Trustees.

## VACANCIES.

Vacancies.

SEC. 18. If any vacancy shall occur in any of the offices created by this Act, they shall be filled by appointment (except the Assessor, who must be elected by the qualified electors of the town) of the Board of Trustees. Should any of the officers herein mentioned fail to qualify and give the bond required for the period of ten days after receiving notice of their election, the office shall be deemed vacant, and the same shall be filled as provided in this Act. The official bond of every officer named in this Act shall be filed with the President of the Board of Trustees.



CLAIMS.

SEC. 19. All demands that shall lawfully arise against the town, in order to be entitled to payment, shall be presented to and allowed for such an amount as shall be deemed just by the Board of Trustees, and no bill, demand, or warrant shall be paid out of the town treasury unless the same be allowed by the Board of Trustees, signed by the President of said Board, and countersigned by the Clerk.

Payment of demands.

CLERK.

SEC. 20. It shall be the duty of the Town Clerk, in addition to any duties required of him by the Board of Trustees, to attend all meetings held by said Board, and shall keep a correct journal of their proceedings; and on receiving the official returns of all charter elections held, shall, without delay, after the result of the election has been declared by the Board of Trustees, issue certificates of election to the persons elected, and he shall receive such compensation for his services as said Board of Trustees may by ordinance fix, and for a failure to comply shall be liable to all such penalties as are herein set forth, and be subject to removal from office and forfeiture of his official bond as Town Clerk.

Duty of Clerk.

MARSHAL.

SEC. 21. It shall be the duty of the Town Marshal, in addition to any duties required of him by the Board of Trustees, and he is hereby authorized, to enforce all ordinances passed by the Board of Trustees and arrest all persons guilty of a violation of the same, to collect all taxes and licenses that shall at any time be due to said town, to receive the tax list and upon the receipt thereof to proceed and collect the same at the time and in the manner as by ordinance may be provided, the said Marshal being hereby vested with the same powers to make collections of taxes as is or shall be conferred upon Tax Collectors for (the) collection of State and county revenue; and it shall be the duty of said Marshal to collect in the same manner any tax list placed in his hands for that purpose without any unnecessary delay, and pay all taxes to the Town Treasurer monthly, taking his receipt therefor. Said Marshal shall receive such compensation for his services, rendered under the provisions of this Act, as the Board of Trustees may by ordinance fix. He shall have the same power in all civil and criminal cases, within the limits of said town, as Constables have within the respective townships for which they are elected, and be entitled to the same fee, and for failure to comply with the duties required of him shall be liable to all such penalties as are herein set forth, and subject to removal from office.

Duty of Marshal.

## TREASURER.

Duty of  
Treasurer.

SEC. 22. It shall be the duty of the Town Treasurer to receive and safely keep all moneys that shall come into the town treasury, and pay out the same on the order of the Board of Trustees, countersigned by the President and Clerk, and take receipts therefor, and to perform such other duties as may be required of him by said Board of Trustees; and shall make out a quarterly statement of his receipts and payments, verified by his oath, and file the same with the Town Clerk; and at the end of his official term shall deliver over to his successor in office all moneys, books, papers, or other property in his possession belonging to the town.

## ASSESSOR.

Duty of  
Assessor.

SEC. 23. It shall be the duty of the Town Assessor, in addition to any duties required of him by the Board of Trustees, between the second Monday in May and the first Monday of July of each year, to make out a true list of all taxable property within the limits of said town, which list, certified by him, shall, on the third Monday in July, be by him placed in the hands of the Board of Trustees for equalization. The mode of making out such list and ascertaining the value of the property shall be the same as that prescribed by law for assessing State and county taxes. And also make assessments for street work, as provided in this Act, and the Assessor shall receive for his services such sum as shall be fixed by ordinance.

## COLLECTION OF TAXES.

Collection  
of taxes.

SEC. 24. Town taxes shall be collected in the same manner that State and county taxes are collected within the County of Los Angeles; *provided*, that the publication of the delinquent tax list shall be made in some newspaper published within said town, if there be one, if there be none then in some newspaper published within said county; *provided*, all sales for delinquent taxes shall be made in front of the Town Hall and by the Town Marshal.

## TOWN ATTORNEY.

Board to  
appoint  
Attorney.

SEC. 25. The Board of Trustees of said town may appoint a Town Attorney, to hold office during the pleasure of said Board, whose duty it shall be to prosecute all suits brought on behalf of the town, and to defend all suits brought against it, and to do such other duties as the Board of Trustees may direct, and whose compensation shall be such sum as said Board may determine.

## JUSTICE OF THE PEACE.

Power of  
Justices.

SEC. 26. The Town Justice of the Peace shall have the

same jurisdiction within the limits of said town, in all civil and criminal cases, as any other Justice has within the township for which he is elected.

PAYMENTS IN COIN.

SEC. 27. All taxes, assessments, and fines payable to the town treasury, and the costs of the improvements on any sidewalk, street, or other town improvement, shall be payable only in gold and silver coin of the United States. Payments; how made.

SERVICES OF TRUSTEES.

SEC. 28. The President of the Board of Trustees shall preside at all meetings of said Board when he shall be present, and in the absence of the President the Board may appoint one of their number to act as President pro tem., and for their services said Trustees and President shall receive no compensation. President of Board.

STYLE OF ORDINANCE.

SEC. 29. The style of the ordinance of the Town of Anaheim shall be "The Trustees of the Town of Anaheim do ordain as follows." Style of ordinance.

SEC. 30. The Town Trustees are hereby authorized and required to procure the necessary books for the official record of the town.

SEC. 31. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 32. This Act shall take effect and be in force from and after its passage.

CHAP. CCLIV.—*An Act for the relief of Joseph O'Neil.*

[Approved March 16, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, out of the General Fund of the said city and county, the sum of four hundred and forty-six dollars and forty-six cents to pay the claim of Joseph O'Neil for money paid, laid out, and expended for taxes for the fiscal years eighteen hundred and sixty-eight to eighteen hundred and seventy-five, inclusive, on a lot of land situated on Bluxome Street, in said city and county. And the Auditor of said city and county is hereby authorized and directed to audit said claim, and the Treasurer of said city and county is hereby directed to pay the same out of the General Fund of the city and county aforesaid. Appropriation authorized.

SEC. 2. This Act shall take effect immediately.

CHAP. CCLV.—*An Act for the relief of W. J. Johnson, W. H. Perdue, John Cheney, Wm. L. Tomlin, and M. V. Dixon.*

[Approved March 18, 1878.]

Preamble.

WHEREAS, James Johnson was indicted by the Grand Jury of Colusa County, California, in October, A. D. eighteen hundred and seventy-seven, for the crime of robbery, and previously, upon being held to answer to the Grand Jury, had given bail in the sum of three thousand dollars by a written undertaking, with W. J. Johnson, W. H. Perdue, John Cheney, Wm. L. Tomlin, and M. V. Dixon as sureties, and thereafter fled and failed to appear for arraignment when required by the County Court of said county, in which said indictment was and is pending, and his said bail was, by means of his said failure to so appear, by said Court declared forfeited; and whereas, the said sureties have materially aided in recapturing said James Johnson, and he is now in custody of the Sheriff of said county, ready to answer said indictment; and whereas, said Court has adjourned for the term, and has no power to set aside said forfeiture; now, therefore,

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Release from liability.

SECTION 1. The said W. J. Johnson, W. H. Perdue, John Cheney, Wm. L. Tomlin, and M. V. Dixon, and each of them, are hereby authorized to apply to the Board of Supervisors of said County of Colusa to be released and discharged from all liability as sureties on said undertaking of bail. The Board may, in its discretion, if it finds the matters recited in the preamble to be true, make an order releasing and discharging such persons. The order, if made, must be entered upon the records of the Board.

SEC. 2. Said sureties, and each of them, may plead such release and discharge in any action brought, or hereafter to be brought, on said undertaking of bail, as a full and complete defense thereto.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. CCLVI.—*An Act to amend an Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four, approved March twenty-third, eighteen hundred and seventy-six.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Salary of Assessor.

SECTION 1. Section two of said Act is amended so as to read as follows: Section 2. The Assessor and ex officio Tax

Collector shall receive for all services as such Assessor and ex officio Tax Collector the sum of three hundred and fifty dollars per annum, and he and his successors in office shall go into office on the first Monday in March next succeeding their election, and shall hold office until their successors are elected and qualified.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in force on and after the first Monday in March, eighteen hundred and eighty.

CHAP. CCLVII.—*An Act to amend an Act entitled "An Act to establish pounds in the County of San Mateo," approved March eighteenth, eighteen hundred and seventy-six.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section fourteen of said Act is hereby amended so as to read as follows: Section 14. Each and every Constable and Pound-keeper of the County of San Mateo shall have the power, and it is hereby made his duty, to take up and impound all beasts, named in section four of this Act, found running at large on the public streets, roads, or highways of said county, in the manner heretofore in this Act provided for any other person; also, to take up and impound all beasts, named in section four of this Act, found staked out or grazing in any other manner in all public streets and highways of said County of San Mateo, in the manner heretofore in this Act provided; and said Constable or Pound-keeper shall receive as his compensation for his services the sum of one dollar for each beast so impounded, and such mileage as is allowed by law for service of summons by Constables in civil cases.

Duty of certain officers.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCLVIII.—*An Act to provide for the payment of interest upon certain warrants of Butte County.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The County Treasurer of Butte County is hereby authorized and directed, at the time of redeeming the warrants now unpaid and outstanding against the Road

Payment of interest authorized.

Fund Debt of said Butte County, to allow and pay to the holders of said warrants, in the order in which they have been presented for payment and indorsed not paid, interest thereon from the first day of January, A. D. eighteen hundred and seventy-seven, at the rate of ten per cent. per annum.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCLIX.—*An Act to authorize the Auditor and Treasurer of Sutter County to cancel certain certificates of the Register of the State Land Office, and also certain Controller's warrants.*

[Approved March 18, 1878.]

Preamble. WHEREAS, it appears that there has heretofore been paid into the Swamp Land Fund in the treasury of Sutter County, and received as money, certain certificates of the Register of the State Land Office, and certain Controller's warrants; and whereas, as no authority exists for the cancellation of said warrants and certificates, the Treasurer's books show an amount of money in said fund in said treasury greater than the actual amount therein equal to the amount of said certificates and Controller's warrants; therefore,

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Cancellation of certain certificates.

SECTION 1. The Auditor and Treasurer of Sutter County are authorized and directed to cancel, by writing across the face thereof with "red ink" the word canceled, the date of the cancellation, and affix their signatures thereto to the following certificates of the Register of the State Land Office, "viz.:" Number three hundred and forty-three, issued January twenty-seventh, eighteen hundred and sixty-nine, in favor of H. P. Osborn and G. W. Hancock, assignees of A. Johns, for eighty-nine sixty hundredths dollars; number three hundred and eighty-six, issued May twelfth, eighteen hundred and sixty-nine, in favor of S. A. Boutwell, assignee of C. A. Tuttle, for forty-four eighty hundredths dollars; number six, issued June twenty-eighth, eighteen hundred and seventy, in favor of Stephen A. Boutwell, assignee, for two hundred and sixty-nine five hundredths dollars; number seven, issued June twenty-eighth, eighteen hundred and seventy, in favor of Stephen A. Boutwell, assignee, for one hundred and one forty hundredths dollars; number eight, issued June twenty-eighth, eighteen hundred and seventy, in favor of Stephen A. Boutwell, assignee, for one hundred and eighty-nine forty hundredths dollars. Also the following Controller's warrants, "viz.:" Number seven hundred and thirty-six, issued August tenth, eighteen hundred and sixty-four, in favor of W. G. Brown, for sixty-one fifty-six

hundredths dollars; and number eight hundred and fifteen, issued August seventeenth, eighteen hundred and sixty-four, in favor of A. L. Gay, for forty-three fifty hundredths dollars.

SEC. 2. Immediately after the cancellation of the certificates and warrants described in section one of this Act, the County Treasurer shall surrender the same to the County Auditor, who thereupon shall credit the County Treasurer with the aggregate amount of such certificates and warrants, file the certificates in his office, and return the warrants to the Treasurer of State.

SEC. 3. This Act shall take effect immediately.

CHAP. CCLX.—*An Act to provide for the payment of the debt incurred in building a school house for Tulare School District, in San Joaquin County.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Trustees of Tulare School District, in San Joaquin County, are authorized and empowered to levy a tax on the property in said district, in the year eighteen hundred and seventy-eight, of not more than seventy cents on every one hundred dollars of value, for the purpose of paying the debt incurred in building a school house for said district. Tax levied.

SEC. 2. The tax herein authorized to be levied must be assessed and collected according to the provisions of law for assessing and collecting district taxes.

SEC. 3. The proceeds of the tax herein provided for must be applied: Application of proceeds.

*First*—To the payment of the costs of its collection.

*Second*—To the payment of the debt incurred in building a school house for the district.

*Third*—If any surplus remains after paying such debt, to the support of the school of the district.

SEC. 4. This Act shall be in force from and after its passage.

CHAP. CCLXI.—*An Act entitled an Act to amend an Act entitled an Act fixing the terms of the members of the Board of Supervisors of Monterey County, and for other purposes, approved March third, eighteen hundred and seventy-six.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Superviso-  
rial districts  
defined.

SECTION 1. Section one of said Act is amended so as to read as follows: Section 1. Monterey County shall consist of four supervisorial districts, the same as where established by the Board of Supervisors thereof, on the third day of April, A. D. eighteen hundred and seventy-four, and designated respectively as follows: District Number One, Monterey Supervisorial District; Number Two, Pajaro Supervisorial District; Number Three, Alisal Supervisorial District; Number Four, San Antonio Supervisorial District; *provided, however, that the said Board of Supervisors shall at all times have full power and authority to alter and change the boundary lines of said districts, or either of them, when, in its judgment, such alteration and change is required.*

May alter  
and change  
boundary  
lines.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCLXII.—*An Act to authorize the Board of Supervisors of Modoc County to erect a County Clerk's Office and to issue the bonds of the county therefor.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Clerk's  
office to be  
erected.

SECTION 1. It shall be the duty of the Board of Supervisors of Modoc County to cause to be erected a suitable building, at the county seat of said county, for a County Clerk's Office, and the said Board of Supervisors are hereby empowered, after having exhausted the funds not otherwise appropriated in the Building Fund of said county in payment for the construction thereof, to issue the bonds of the county, payable in one and two years, and bearing interest at the rate of ten per cent. per annum, for the balance of the cost of the construction of said office building; *provided, however, that the cost of the construction of said office building shall not exceed the sum of fifteen hundred dollars.*

SEC. 2. All Acts and parts of Acts in conflict herewith, so far as they are in conflict, are hereby repealed.



CHAP. CCLXIII.—*An Act to amend "An Act" entitled "An Act" to provide for establishing, maintaining, and protecting public and private roads in Colusa County, passed March twenty-sixth, eighteen hundred and seventy-four.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Sections sixteen and twenty of an Act entitled an Act to provide for establishing, maintaining, and protecting public and private roads in Colusa County, passed March twenty-sixth, eighteen hundred and seventy-four, is hereby amended so as to read as follows: Section 16. At the session of the Board of Supervisors for levying State and county taxes, the Board shall levy upon every male inhabitant of the county (except Indians) over twenty-one and under sixty years of age (not exempt by law) a road poll tax of two dollars, and upon all taxable property in the county a tax for road purposes of not more than fifty cents upon each one hundred dollars worth of taxable property, which tax shall be levied and collected as other taxes are levied and collected, and shall, together with the poll tax, be paid into the county treasury and apportioned to the County Road Fund. Fifteen per cent. of the property tax so collected shall be set apart by the Auditor and the Treasurer into a fund to be known as the Common Road Fund, and shall be expended under the direction of the Board of Supervisors, and the balance shall be distributed among the several revenue districts as hereinafter provided. For the purpose of collecting the poll tax herein provided for the provisions of section three thousand eight hundred and forty to three thousand eight hundred and sixty, inclusive, and section three thousand eight hundred and thirty-two of the Political Code, are hereby adopted and made a part of this Act. Section 20. It shall be the duty of the Tax Collector to keep a separate account of the road tax of each revenue road district by him collected, and in his settlements with the Treasurer he shall make a statement of the moneys belonging to each revenue road district; and the Treasurer shall keep his books in such a manner as to show how much road tax has been received, how much paid out, and how much is on hand in each of the revenue road districts and in the Common Road Fund, and the Treasurer shall pay all road moneys out upon warrants drawn upon the Common Road Fund or the District Revenue Road Funds, by order of the Board of Supervisors, and in no other manner. The Board of Supervisors shall cause to be printed and distributed to the various Road Superintendents proper blank receipts for road labor.

Poll and property tax levied.

Duty of certain officers.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCLXIV.—*An Act authorizing the Board of Supervisors of Alameda County to pay the claim of Edwin Kimball.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Payment  
of claim  
authorized.

SECTION 1. The Board of Supervisors of the County of Alameda may, in their discretion, examine into the claim of Edwin Kimball, a resident of said county, for the construction by him of a bridge across San Lorenzo Creek, in the year eighteen hundred and seventy-four, and upon good and sufficient evidence that said bridge was constructed by said Edwin Kimball, and is now and has been in the possession of said county, and used as a portion of the public highway, then the Board of Supervisors of said county, if in their judgment they deem it just, shall order a warrant drawn by the County Auditor, in favor of Edwin Kimball, for such amount as they may deem sufficient in full for such claim, not exceeding six hundred dollars, and the County Treasurer shall pay the same out of the General Fund of said county. Nothing in this Act shall be so construed as to make this Act mandatory upon the Board of Supervisors of Alameda County.

SEC. 2. This Act shall take effect immediately.

CHAP. CCLXV.—*An Act supplemental to and amendatory of an Act entitled "An Act to regulate fees of office and salaries of certain officers in and for the County of Sonoma, and to repeal certain other Acts in relation thereto," approved March fourth, eighteen hundred and seventy-eight.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Repeal.

SECTION 1. Sections six and section eight of said Act are hereby repealed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXVI.—*An Act to establish and maintain free public libraries and reading-rooms.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Boards of Supervisors of the City and County of San Francisco, and the municipal authorities of the several incorporated cities and towns of this State, are authorized to levy and collect, as in other cases, annually, a tax, not to exceed one mill on the dollar, for the purpose of establishing in such cities and towns, respectively, free public libraries and reading-rooms, and purchasing or leasing such real and personal property, books, journals, and other publications, and erecting such buildings as may be necessary therefor. Tax levied.

SEC. 2. The municipal authorities, respectively (except as hereinafter otherwise provided), in their respective cities and towns, may appoint such Trustees (not exceeding seven), and such other officers and assistants as may be necessary to carry into effect the provisions of this Act; they may declare and fix the terms of office (not exceeding four years) of all such Trustees, officers, and assistants, and, at their pleasure, on the request of a majority of the Trustees, may remove any from office, and fill vacancies; they may fix the salaries of all officers and assistants, except the Trustees, who shall serve without salary or other compensation; and they may make, or may authorize the Trustees to make, such rules and regulations, and by-laws, as may be necessary for the government and protection of such libraries and reading-rooms, and all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to the same. Appointment of Trustees and powers of same.

SEC. 3. All money and revenue collected or received by authority of anything herein contained shall be known and designated as the "Library Fund," and shall be paid into the proper city or town treasury, and there kept separate and apart from other funds, and be drawn therefrom as in other cases provided, but only to be used and applied for the purposes herein authorized. Library Fund.

SEC. 4. All property, real and personal, acquired by purchase, gift, devise, bequest, or otherwise, under the provisions of or for the purposes authorized by this Act, shall vest and be and remain in the proper city or town, respectively, and may be protected, defended, and sued for, by action at law or otherwise, by such cities and towns, respectively, as in other cases.

SEC. 5. The following eleven persons, to wit: Geo. H. Rogers, John S. Hager, Irving M. Scott, Robt. J. Tobin, E. D. Sawyer, John H. Wise, Andrew J. Moulder, Louis Sloss, A. S. Hallidie, C. C. Terrell, Henry George, and their successors, are hereby constituted and appointed, during good behavior, honorary Trustees, without salary, of any library Trustees appointed.

Meetings.

and reading-room, and of the real and personal property thereunto belonging, that may be established or acquired under the provisions of this Act; in and for the City and County of San Francisco. Such Trustees shall meet for business purposes on the first Tuesday of each month, and at such other times as they may appoint, in a place to be provided for the purpose, and six shall constitute a quorum for business. They may appoint one of their number President, and they may also elect a Secretary, who shall keep a record and full minutes, in writing, of all their proceedings. The Secretary may certify to such proceedings, or any part or portion thereof, under his hand, verified by a seal to be adopted and provided by the Trustees for that purpose. Such Trustees, by a majority vote of all their members, to be recorded in the minutes, with ayes and noes, at length, shall have the power:

Powers of Trustees.

*First*—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library, reading-room, and property.

*Second*—To fill all vacancies that may from any cause occur in the Board of Trustees.

*Third*—To remove any Trustee who may neglect to attend the meetings of the Board, or who may absent himself from such meetings, or, without the consent of the Board, from the State for three consecutive months.

*Fourth*—To appoint and define the powers and duties of any and all authorized officers and assistants, and at their pleasure remove the same.

*Fifth*—To provide memorial tablets and niches to perpetuate the memories of those persons who may make valuable donations to any such library.

*Sixth*—By and with the consent and approval of the Board of Supervisors of said city and county, expressed by resolution duly passed by that body: To determine the number of officers and assistants to be appointed for such library and reading-room, and to fix the salaries of such officers and assistants, and of the Secretary; to purchase necessary real and personal property; to lease and erect buildings; to order the drawing and payment of money from out of the Library Fund, for any expenditure or liability herein authorized; and generally to do all that may be necessary to fully carry into effect the provisions of this Act.

Supervisors authorized to donate property.

SEC. 6. The Board of Supervisors of the City and County of San Francisco are authorized and empowered, by a resolution duly passed for that purpose, to grant, donate, or authorize the use of, either in whole or in part, any land, square, or other real estate belonging to said city and county, or dedicated to public use therein, for the purpose of erecting and maintaining thereon a building to be used only for a public library and reading-room in and for said city and county, as in this Act authorized and provided.

Transfer of property for maintenance of library.

SEC. 7. The proprietors, or other competent authority, of any subscription or other library may, upon such terms and conditions as shall be agreed upon by them and the municipal authorities of any incorporated city or town, except in

the City and County of San Francisco, donate and transfer its property, real and personal, to any such city or town for the purpose of establishing and maintaining a public library and reading-room within the meaning of this Act; and as a condition, and in consideration of any such donation, such proprietors may at their option nominate and appoint as honorary Trustees, without salary, a number equal to those appointed or authorized to be appointed by such municipal authorities respectively as in this Act provided. Such honorary Trustees, by a majority vote, may fill all vacancies that may occur in their number, and they respectively shall have an equal voice with the other Trustees in the direction, management, and control of such libraries after such donation and transfer shall be made and accepted.

SEC. 8. This Act shall take effect immediately.

CHAP. CCLXVII.—*An Act to reimburse the County of Placer for moneys expended in the collections of State taxes.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Whereas, the County of Placer during the fiscal years—A. D. 1872–3 and 1873–4 did duly expend, in extraordinary expenses, in the collection of the taxes due this State for the said fiscal years, the full sum of nineteen hundred sixty-four dollars, for which said county is equitably entitled to be reimbursed; wherefore, it shall be the duty of the Controller of State, at the next regular or quarterly settlement to be made with him, next after the passage of this Act, by the County Treasurer of Placer County, on account of taxes then due or to become due to the State treasury from said County Treasurer, to allow as a credit to said County Treasurer the sum of nineteen hundred and sixty-four dollars, and the said credit shall be in full discharge of the obligation of said County Treasurer to pay said sum into the treasury of said State.

Preamble.  
Duty of Controller.

SEC. 2. Upon the completion of the settlement, and the credit given as provided in section one of this Act, it shall be the duty of the County Treasurer and Auditor of said County of Placer to immediately deposit and transfer to the credit of the General Fund of said county the said sum of nineteen hundred and sixty-four dollars.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. CCLXVIII.—[See volume of *Amendments to the Codes.*]

CHAP. CCLXIX.—[See volume of *Amendments to the Codes.*]

CHAP. CCLXX.—[See volume of *Amendments to the Codes.*]

CHAP. CCLXXI.—*An Act for the encouragement of agriculture and other industries.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriations authorized.

SECTION. 1. There is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of five thousand dollars, for the State Agricultural Society; the sum of fifteen hundred dollars, for the Upper Sacramento Valley Agricultural Society; the sum of fifteen hundred dollars, for the San Joaquin Valley Agricultural Society; the sum of fifteen hundred dollars, for the Golden Gate District Fair Association; the sum of fifteen hundred dollars, for the Sonoma and Marin District Agricultural Society; the sum of fifteen hundred dollars, for the Northern District Agricultural Society; the sum of fifteen hundred dollars, for the Napa and Solano District Agricultural Society; the sum of fifteen hundred dollars, for the Santa Clara Valley Agricultural Society; the sum of fifteen hundred dollars, for the Southern District Agricultural Society; the sum of one thousand dollars, for the Plumas, Lassen, and Modoc District Fair; one thousand dollars, for the Monterey County Agricultural Society; one thousand dollars, for the El Dorado County Agricultural Society; and one thousand dollars for the Siskiyou County Agricultural Society, for each of the years eighteen hundred and seventy-nine. Upon the presentation of the certificate of the President and Secretary of either of the societies named above to the State Controller, that such sums have been expended in premiums in accordance with the provisions of this Act, at a fair held during the year eighteen hundred and seventy-eight and in eighteen hundred and seventy-nine, the Controller shall draw his warrant on the Treasurer in favor of such society for the amount appropriated to such society, and the Treasurer shall pay the same. The money so drawn by each society shall be used for the purpose of paying premiums for the different kinds of live stock, and the various agricultural, mineral, mechanical, and manufacturing products of this State, and

for no other purpose; and no part whatever shall be given in any contingency in purses for horse racing.

SEC. 2. The Directors of each of the above named societies, except the State Agricultural Society, shall each year report to the State Board of Agriculture the name and post-office address of each of the officers of such society, on or before the first day of May; and on or before the first day of December of each year they shall report to said Board of Agriculture the transactions of said society, including the list of articles exhibited and for which premiums were awarded, the amount of receipts and expenditures of the year, and the objects for which the expenditures have been made, the new industries inaugurated, and new products produced, and any and all other facts showing the development of the resources of the district embraced in such society, which they may deem worthy of such report.

Duty of Directors.

SEC. 3. The State Board of Agriculture shall report annually, on or before the first day of February, to the Governor of the State, the full transactions of the State Society, including the facts and statistics collected and information gained on the subjects for which it exists; also, including the report from each of the above named societies, or so much thereof as said Board may deem of value for publication.

Duty of State Board.

SEC. 4. The Governor shall cause five thousand volumes of said report of the State Board of Agriculture to be printed each year at the expense of the State, the cost not to exceed one dollar per volume, and paid for as other public printing, and delivered to the State Agricultural Society for general distribution.

Report to be printed.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXXII.—*An Act supplementary to and amendatory of an Act entitled "An Act to regulate and limit the payment of money out of the treasury of the City and County of San Francisco," approved February twenty-sixth, eighteen hundred and seventy-eight.*

[Approved March 18, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The provisions of an Act entitled "An Act to regulate and limit the payment of money out of the treasury of the City and County of San Francisco," approved February twenty-sixth, eighteen hundred and seventy-eight, are hereby suspended for and during the months of March, April, and May, A. D. eighteen hundred and seventy-eight, and no longer; *provided*, that any money expended or liabilities created or contracted for during said months of March,

Suspension of provisions of a certain Act.

April, and May, in excess of what is permitted by said Act, shall be deducted from the amount that may be lawfully expended or liability created or contracted for during the same fiscal year, in such manner that at the end of such fiscal year there shall be no deficit.

Extension of provisions.

SEC. 2. The provisions of said Act, from and after the first day of June, A. D. eighteen hundred and seventy-eight, shall extend to and include all departments of the municipal government of said city and county, except the new City Hall and Golden Gate Park Commissioners, as to all moneys expended or obligations created or contracted for purposes or against funds that by law are authorized to carry on such departments as running annual expenditures; and the officers, Directors, Commissioners, or others having the power to make such contracts or disbursements, shall be liable to all the duties, obligations, and penalties as to all such funds and contracts and disbursements resting upon the Supervisors and others named in said Act to which this is supplementary.

When provisions of Act may be suspended.

SEC. 3. In case of any great public calamity or danger, such as earthquakes, conflagrations; pestilence, invasion, insurrection, or other great and unforeseen emergency, the provisions of said Act may be suspended, as to any lawful contract, authorization, or expenditure necessary to avert, mitigate, or relieve such evil; *provided*, that such expenditure, contract, or authorization, shall be passed by the unanimous vote of all the Supervisors, Directors, Commissioners, or other officers, and entered in the journals and approved by the Mayor, the Auditor, and the Treasurer, and the notice of the emergency must be recited in the resolution authorizing such action.

Expenditure, etc., to receive unanimous vote.

SEC. 4. This Act shall take effect immediately.

### CHAP. CCLXXIII.—*An Act to fix the bonds of the county officers of Ventura County.*

[Approved March 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Board of Supervisors to fix bonds.

SECTION 1. The bonds of the Sheriff, Clerk, and ex officio Recorder, and Auditor, Assessor, Tax Collector, or ex officio Tax Collector, Treasurer, District Attorney, Coroner and ex officio Public Administrator, Surveyor, and Supervisors of the County of Ventura, shall be fixed from time to time by the Board of Supervisors of said county; *provided*, that the amount of the official bonds fixed upon by the Board of Supervisors shall not be raised or lowered after being once fixed upon, in accordance with the provisions of this Act, during the time for which said officers have been or may be elected, in such a sum as the Board may deem necessary

Not to be raised or lowered.



for that county; *provided*, that no one of said bonds of the Sheriff, Clerk and ex officio Recorder and Auditor, and Assessor, shall be fixed in a less sum than ten thousand dollars (\$10,000), nor in a greater sum than fifteen thousand (\$15,000) each; of the Tax Collector or ex officio Tax Collector, and Treasurer, in a less sum than fifty thousand dollars (\$50,000), nor in a greater sum than eighty thousand dollars (\$80,000) each; of the District Attorney, and Coroner and ex officio Public Administrator, in a less sum than five thousand (\$5,000), nor in a greater sum than ten thousand dollars (\$10,000) each; of the Surveyor and Supervisors, in a less sum than two thousand dollars (\$2,000), nor in a greater sum than five thousand dollars (\$5,000) each.

Bonds not to exceed certain amounts.

SEC. 2. The Board of Supervisors of Ventura County shall, within thirty days after the passage of this Act, meet at their usual place of meeting in said county. At such meeting they shall make an order, fixing the amount of the bond of the Sheriff, Clerk and ex officio Recorder and Auditor, Assessor, Tax Collector, Treasurer, District Attorney, Coroner and ex officio Public Administrator, Surveyor, and Supervisors of said county, according to the provisions of this Act; and the said officers of the said county, as above enumerated, and each of them shall, within twenty days after said order, and within twenty days after any order made by the Board of Supervisors of said county fixing their respective bonds or either of them, give a bond in the sum fixed by the Board of Supervisors of said county, with sufficient sureties, and approved by the proper officers in said county, as provided by law.

Board of Supervisors; when to meet to fix amount of bonds.

Bonds, when to be given.

SEC. 3. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed; so far as they apply to the County of Ventura.

Acts repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXXIV.—*An Act to provide for the payment of certain coupons upon bonds issued by "The Central Pacific Railroad Company," and known as "State Aid Bonds."*

[Approved March 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Treasurer of the State is hereby directed to pay to the Bank of California the sum of two hundred and forty-five dollars, being the amount of coupons number twenty-five, due January first, eighteen hundred and seventy-seven, upon "State Aid Bonds" numbered respectively twelve hundred and thirty-one (1231), three hundred and eighteen (318), three hundred and fifty-six (356), three hundred and fifty-seven (357), six hundred and thirty-six (636), six hundred and thirty-seven (637), and six hundred and

Amount to be paid on lost coupons.

Bank to  
execute and  
deliver bond.

thirty-eight (638), each for the sum of thirty-five dollars, said coupons having been lost; *provided*, that said payment shall not be made until said Bank of California shall execute and deliver to said Treasurer an undertaking, approved as to form and sufficiency by the Attorney-General, to the effect that they will at all times hereafter protect and save harmless the people of the State of California against said coupons, and against all persons lawfully claiming them or either of them, and against all damages and expenses for or on account thereof.

SEC. 2. This Act to take effect immediately.

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CHAP. CCLXXV.—[See volume of *Amendments to the Codes*.]

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CHAP. CCLXXVI.—*An Act for the relief of Wells, Fargo & Co.*

[Approved March 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Amount to  
be paid.

SECTION 1. The State Treasurer is hereby directed to pay to Wells, Fargo & Co. the sum of seven hundred and thirty-five dollars, being the amount due on coupons number twenty-five, due January first, eighteen hundred and seventy-seven, upon Central Pacific Railroad bonds, the payment of which coupons are guaranteed by this State, numbered respectively eight hundred ninety-two, three, four, five, six, ten hundred and seventy-seven, eight, nine, eighty, eleven hundred and one, two, three, four, five, six, seven, eight, nine, ten, and eleven, which coupons were each for the sum of thirty-five dollars, and have been lost; *provided*, that said payment shall not be made until said Wells, Fargo & Co. shall execute and deliver to said Treasurer an undertaking bond, approved as to form and sufficiency by the Attorney-General, to the effect that they will at all times hereafter protect and save harmless the people of the State of California against said coupons, and against all persons lawfully claiming them, or either of them, and against all damages for or on account thereof.

Bond to be  
executed.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCLXXVII.—*An Act to consolidate certain funds and to create therefrom a permanent endowment for the University of California, of which the interest only shall be used by the Board of Regents to meet current expenses.*

[Approved March 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That the entire principal sums which have been or may be hereafter realized from the several sources of Income and Endowment Funds of University of California, to wit, the principal sum derived from the sale of lands granted to the State of California by Act of Congress, approved July 2, 1872, and amendments thereto, and the principal sum derived from the sale of the seventy-two (72) sections of land granted to the State of California for the use of a Seminary of Learning, by Act of Congress, approved March 3, 1853, and the principal sum derived from the sale of the ten (10) sections of land granted to the State of California for public buildings, by said Act of Congress, approved March 3, 1853, and the principal sum which the Treasurer of the State of California was directed, by Act of the Legislature, approved April 2, 1870, to place to the credit of the University Fund, and which, being invested in the bonds of the State or of the United States, should yield an annual income of fifty thousand dollars, and the principal sum now remaining on hand derived from the sale of the real estate in Oakland, Alameda County, and State of California, known as the "Brayton property," shall be from time to time, as the same is realized, invested in stocks of the United States or of the State, or other safe stocks or bonds, yielding not less than five (5) per centum upon the par value of said stocks or bonds, and the money so invested shall constitute a perpetual fund, to be known and designated as the "Consolidated Perpetual Endowment Fund of the University of California," the capital of which shall remain forever undiminished; *provided*, that any moneys realized from said sources of Income or Endowment Funds, or either of them, which have been heretofore invested according to law, may remain so invested; *and it is further provided*, that all such stocks and bonds as aforesaid shall be deposited in the State treasury to the credit of said fund, and shall be kept separate and apart from all other funds by the State Treasurer, who shall pay over from time to time all interest, profits, income, or revenue arising from such stocks or bonds to the Treasurer of said University upon the demand or order of the Regents of the University.

SEC. 2. That all interest, profits, or revenue arising from or growing out of the said "Consolidated Permanent Endowment Fund of the University of California" shall be placed in the General Fund of the University, and subject to disbursement to meet the current annual expenses of the University of California.

SEC. 3. That all Acts or parts of Acts or parts of Acts in conflict herewith are hereby repealed.

CHAP. CCLXXVIII.—*An Act to ratify and confirm Order No. 1404 of the Board of Supervisors of the City and County of San Francisco.*

[Approved March 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Order rati-  
fied and  
confirmed.

SECTION 1. Order number fourteen hundred and four (1404) of the Board of Supervisors of the City and County of San Francisco, approved November 10th, 1877, is hereby ratified and confirmed, and said Board of Supervisors are hereby authorized and directed to include in their tax levy, for the fiscal year 1878-79, an amount sufficient to make the payment provided to be made in section one of said order; which taxes under said levy shall be levied the same as other municipal taxes are, and shall be paid into the General Fund and disbursed in discharge of said indebtedness, as provided in said order; *provided*, that no payment shall be made on account of said purchase until a clear title to the said road is vested in the City and County of San Francisco.

CHAP. CCLXXIX.—*An Act to legalize the assessment of taxes in the City and County of San Francisco, and to ratify and confirm a resolution of the Board of Supervisors of the City and County of San Francisco.*

[Approved March 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Assessment  
and levy  
of taxes  
legalized

SECTION 1. The assessment of taxes upon all personal property in the City and County of San Francisco, whether for State or city and county purposes, for the 27th fiscal year ending on the 30th day of June, 1876, and for the 28th fiscal year ending on the 30th day of June, 1877, as equalized by the Board of Supervisors of the City and County of San Francisco, setting as a Board of Equalization in said fiscal years, are hereby legalized and confirmed and rendered valid and binding, both in law and equity, against the persons and property assessed, and the duplicate assessment rolls for said fiscal years shall be prima facie evidence of such assessment. The levies of taxes by said Board of Supervisors for said fiscal years are and each of them is hereby made valid and binding, effectual and legal, and

are validated, ratified, legalized, confirmed, and adopted; and no error, informality, or irregularity, of whatsoever kind or nature, in the acts or proceedings of the Assessor, Board of Supervisors, Board of Equalization, Auditor, or any other officer or officers of said city and county, in assessing, equalizing, levying, or preparing original or duplicate assessment rolls, shall vitiate the assessment or levy of taxes for said fiscal years, or either of them, but the same are for all purposes affecting the assessment, equalization, and levy of taxes for each of said fiscal years, validated, ratified, legalized, confirmed, and adopted.

SEC. 2. In any action to be commenced under the provisions of this Act, for (the) collection of delinquent taxes, the complaint may be in the following form, and shall be legally sufficient; and on the trial the duplicate assessment rolls of taxes of said city and county for said fiscal years, or either of them, or a copy of any entry therein duly certified, showing unpaid taxes against the defendant, or in cases where the defendant is sued in a representative capacity, against the person or estate he represents, shall be prima facie evidence of the plaintiff's right to recover.

Form of  
complaint.

(Title of Court.) The City and County of San Francisco, vs. (naming the defendant). Plaintiff avers that defendant is indebted to plaintiff in the sum of \$—, (naming the amount), for city and county taxes, with five per cent. penalty added thereto for the non-payment thereof, and interest thereon at the rate of two per cent. per month from the — day of —, 187—, (giving date), and \$—, costs of advertising —, and is also indebted in the further sum of \$— (naming the amount), for State taxes, with five per cent. penalty added thereto for the non-payment thereof, and interest thereon at the rate of two per cent. per month from the — day of —, 187— (giving the date), and \$—, costs of advertising —, which said taxes were duly assessed and levied upon personal property, to wit, (enumerating the property), for the fiscal year (naming it); wherefore, plaintiff prays judgment for said several sums, with interest thereon as aforesaid and costs of suit, all in U. S. gold coin. (Signed by said special counsel.)

And in any case where the defendant is sued in a representative capacity, such other, further, or different allegation as may be necessary to charge the defendant in such capacity; *provided*, that in all cases where the amount of tax sued on is ten (\$10) or less, the costs of Court shall not exceed the amount of tax, and no answer shall be filed in any such case unless the same be verified by oath.

SEC. 3. All officers of said city and county shall perform such services as may be required of them under this Act without the payment to them of fees in advance, but they may charge and receive, to the use of said city and county, such fees as are allowed for similar services in other cases; *provided*, such fees are collected of the defendant, and in no case shall the city and county be liable for services rendered under this Act.

Officers to  
act without  
fee.

SEC. 4. The provisions of the Act entitled "An Act to

Provisions of  
a certain  
Act not  
applicable.

provide for the increasing the law library of the corporation known as 'The San Francisco Law Library,' and to secure the same to the Courts held at San Francisco, the bar, the city and county government, and the people of the City and County of San Francisco," and all Acts amendatory thereof and supplementary thereto, shall not apply to proceedings under this Act; but the fees to which said San Francisco Law Library is entitled by law shall be taxed as other costs of suit, and when collected from the defendant to be paid to the Treasurer of said library.

Resolution  
ratified.

SEC. 5. Resolution number eleven thousand six hundred and twenty-seven (11,627), new series, of the Board of Supervisors of the City and County of San Francisco, adopted November 15th, 1877, and the employment of special counsel pursuant thereto, is hereby authorized, ratified, confirmed, and adopted, and said special counsel therein named is hereby authorized, empowered, and directed to commence civil actions in any Court of competent jurisdiction of the City and County of San Francisco for the collection of all delinquent personal property taxes for the fiscal years in said resolution and hereinbefore named, whether the same be due for State, city and county taxes, or either of them.

SEC. 6. This Act shall take effect and be in force from and after its passage.

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CHAP. CCLXXX.—*An Act for the relief of Klamath School District, Siskiyou County, California.*

[Approved March 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Apportion-  
ment au-  
thorized.

SECTION 1. The Superintendent of Common Schools of Siskiyou County is hereby authorized and directed to apportion from the last apportionment of county school funds of the present school year to Klamath School District the sum of three hundred dollars, the amount which said district would have received from State and county funds during the present school year had said district been able to procure a teacher during the school year 1876-1877.

SEC. 2. This Act shall take effect immediately.

CHAP. CCLXXXI.—*An Act for the relief of S. L. Marks, Terrence Burke, J. R. Deardorff, and Milo Hoadley.*

[Approved March 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That S. L. Marks, Terrence Burke, J. R. Deardorff, and Milo Hoadley, all of the City and County of San Francisco, be and they are hereby released from all liability or obligations on a certain bail bond, in the sum of ten thousand dollars, payable to the people of the State of California, approved on the seventeenth day of July, eighteen hundred and seventy-two, and conditioned for the appearance of one S. R. Deardorff, in whatever Court the charge in said bond mentioned should be prosecuted; *provided*, the said parties hereby released shall pay or cause to be paid to the District Attorney, who has prosecuted a certain action on said bond, now pending in the District Court of the Fifteenth Judicial District of said State, the amount of fees to which he would be entitled if the said action were successfully prosecuted.

Release from liability.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCLXXXII.—*An Act to ratify and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, relative to street work on Montgomery Avenue.*

[Approved March 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

WHEREAS, The City and County of San Francisco has, through its proper officers, from time to time ordered street work on Montgomery Avenue, in said city and county, and has awarded contracts for the same, and doubts existing as to the validity of the orders and resolutions providing for the same, therefore, be it enacted:

Preamble

SECTION 1. That all orders and resolutions heretofore from time to time passed by the Board of Supervisors of the City and County of San Francisco, in relation to street work done and being done, in whole or in part, on Montgomery Avenue in said city and county, and all contracts and assessments for such street work made by the Superintendent of Public Streets, Highways, and Squares of said city and county, and all other proceedings under and in accordance with the provisions of such orders and resolutions, are hereby made valid, ratified, and confirmed.

Proceedings ratified.

SEC. 2. All assessments for street work done on the crossings or spaces formed by the junction or intersection of other

Assessments for street work; how made.

streets with said Montgomery Avenue, and all assessments for street work done on the crossings or spaces formed by the junction or intersection of other streets or avenues which form irregular or fractional blocks, and bound the same, and not squarely in front of, and not properly assessable to, lots fronting on such streets, shall be made in conformity with the principles prescribed by law in the matter of making assessments for similar work done on Market Street, in said city and county; *provided*, that nothing herein contained shall be held to create any liability on the City and County of San Francisco, except in case of charges against property belonging to said city and county.

SEC. 3. This Act shall take effect immediately.

CHAP. CCLXXXIII.—*An Act empowering the Board of Trustees of Arroyo Grande School District, in San Luis Obispo County, to issue bonds for certain purposes, and to provide for the redemption thereof.*

[Approved March 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Issuance of  
bonds.

SECTION 1. The Board of Trustees of Arroyo Grande School District, in San Luis Obispo County, are hereby authorized, empowered, and directed to issue bonds of the said school district to the amount of five thousand dollars, payable in the gold coin of the United States, at the office of the County Treasurer of said county, at the pleasure of the said Board of Trustees, on or before the second Monday in January, in the year eighteen hundred and ninety, and bearing interest not to exceed the rate of ten per cent. per annum, and payable annually, on the second Monday in January in each year, in gold coin of the United States, at the office of the County Treasurer of San Luis Obispo County.

Denomina-  
tion.

SEC. 2. The said bonds shall be issued in the sum of two hundred and fifty dollars each, and shall be signed by the members of the said Board of Trustees, or a majority of such members, and shall be countersigned by the County Superintendent of Common Schools of San Luis Obispo County.

Interest  
coupons.

SEC. 3. Coupons for the interest on said bonds must be attached to each bond, and must be signed by the Clerk of said Board of Trustees. Each of said coupons shall be for the annual interest on the bond to which it is attached, and must bear on its face the number of its bond, the date when it will be due, and the amount of interest to be paid. When the annual interest upon a bond shall be paid the coupon for the interest thereon must be detached and delivered to the Treasurer of the said county, who must, after canceling the same, deliver it to the Clerk of said Board of Trustees,



taking his receipt therefor, and the said Clerk must file and safely keep all coupons so delivered to him.

SEC. 4. The said bonds shall bear the dates of their issuance, and the first coupon shall be for the interest from such date up to the second Monday in January next after their issuance.

SEC. 5. The Board of Trustees of said school district shall, immediately after the issuance of bonds in pursuance with the provisions of this Act, advertise in at least one newspaper printed and published in said county, and in one daily newspaper printed and published in the City and County of San Francisco, for not less than ten days, the fact of intention to offer for sale to the highest bidder, in gold coin, the bonds issued under the provisions of this Act. Said advertisement shall state particularly the time, place, number, and amount of bonds to be offered for sale. Upon the day named in the said advertisement, the said Board of Trustees must meet to open and consider such bids or proposals as may have been made for the purchase of bonds, and must award the sale of bonds to the highest bidder, in gold coin; *provided*, that no bonds may be sold for a less sum than ninety-seven per cent. of the par value of said bonds. The said Board of Trustees may sell any portion of said bonds at private sale, at a rate not less than ninety-seven per cent. on the dollar of the par value of said bonds, without giving public notice, by advertisement, of such sale; but in case any bond or bonds are sold at private sale a publication of the number of bonds sold, to whom sold, and the price received, must be published not less than once in some newspaper printed and published in said county. The bidder or bidders whose proposal is accepted by the said Board shall pay into the county treasury of the said county, in gold coin of the United States, the amount bid by them for the purchase of bonds, and shall take the County Treasurer's receipt for the money so paid, and upon delivery of the said receipt to the Clerk of said Board of Trustees, shall be entitled to receive the bonds purchased under their bids.

Sale of  
bonds.

SEC. 6. The money derived to the said school district and paid into the said county treasury in accordance with the provisions of section five of this Act shall be, by the said County Treasurer, placed to the credit of a special fund, to be known as the "Arroyo Grande School Bond Fund," and shall be used by the said Board of Trustees of said school district for the purpose of building a school house within said school district; for the improvement of the ground upon which such school house shall be located; for the payment of the cost of issuance of the bonds as herein provided, and for the cost of the advertisements and notices as herein made necessary.

Disposal of  
money.

SEC. 7. As soon as practicable after the money received from the sale of bonds, as herein provided, shall have been paid into the county treasury of said county, the said Board of Trustees shall publish a notice to contractors at least one time in some paper printed and published in the said county; said notice to contractors shall contain an invitation for

Proposals for  
construction  
of school  
house.

sealed proposals for the erection and construction of a school house upon such plan, and at such place in said school district as said Board of Trustees may designate; *provided*, that said Board of Trustees shall be limited in the cost of erection and construction of a school house, under the provisions of this Act, to a sum not exceeding eighty per cent. of the amount of money arising from the sale of bonds in the said county treasury to the credit of the said Arroyo Grande School Bond Fund. The said Board of Trustees must require from the person whose proposal to build shall be accepted, a bond with good and sufficient sureties satisfactory to the said Board, and to be approved by the County Judge of the said county, in a penal sum of not less than double the amount named in his proposal for the erection and construction of such school house. All work on any school house authorized to be built under the provisions of this Act, must be completed within five months from the date of the contract, but the said Board of Trustees may require the work of erection and construction of any school house to be completed in less time than six months, if in their judgment the work can or ought to be done in less time.

Disposal of  
surplus.

SEC. 8. Any surplus of money that may be remaining in the said county treasury to the credit of the said Arroyo Grande School Bond Fund, after the payments due to contractors for the erection and construction of the school house herein authorized to be built, may by the said Board of Trustees be used in payment of—

*First*—The cost of the issuance of the bonds, as in this Act provided;

*Second*—The cost of advertisements and notices, as herein made necessary; and

*Third*—For the improvement and betterment of the grounds upon which the said school house may be located.

SEC. 9. No money shall by the County Treasurer of the said county be paid out of the said Arroyo Grande School Bond Fund, except on warrants signed by a majority of the members of said Board, and attested by the County Superintendent of Common Schools of San Luis Obispo County; *provided*, that the exception herein contained shall not apply to payments made out of said fund of amounts of interest due on coupons, on bonds, or on sums which may be paid in the final redemption of any bond or bonds at or before the time when the same may become due and payable.

Interest tax.

SEC. 10. For the purpose of paying the interest on the bonds issued under the provisions of this Act, and providing for the final redemption of said bonds, the said Board of Trustees of said school district are hereby authorized, required, and directed, annually, in the month of April, to levy a special tax upon all the taxable property in the said district, of not less than ten cents on the one hundred dollars nor more than forty cents on the one hundred dollars of taxable property in said school district, which said tax must be assessed and collected as is hereinafter provided, and must be paid into the county treasury of San Luis Obispo County, and be by the County Treasurer of said county set apart and

credited to the said Arroyo Grande School Bond Fund; and the money so derived to the said fund by taxation shall not be used for any other purpose than for the payment of the interest on coupons and for the final redemption of said bonds.

SEC. 11. On the second Monday in January in each year the said County Treasurer shall, in accordance with the provisions of section three of this Act, pay out of the moneys in the said Arroyo Grande School Bond Fund the interest which may be due and unpaid on any of the bonds issued under the provisions of this Act; and whenever there shall be a surplus of money in the said fund over and above the amount necessary to pay the interest on the said bonds for the current year equal to or more than the sum of one thousand dollars, the said Treasurer shall advertise in at least one paper printed and published in San Luis Obispo County, and also in one paper printed and published in the City and County of San Francisco, if the said Board of Trustees shall deem such additional publication expedient or necessary, for the term of four weeks; said advertisement shall contain a notice to all persons, holders or owners of any bond issued under the provisions of this Act, that the said Treasurer is prepared to redeem certain ones of said bonds, designating them by their numbers, commencing at number one of said bonds; and that any of such bonds so designated which shall not be presented to such Treasurer for redemption, in accordance with the said advertisement and notice, within thirty days from and after the date of the last of such publications, naming the day upon which said publications will cease, will not thereafter draw interest.

Payment of interest.

Redemption of bonds.

SEC. 12. The said County Treasurer shall pay out of said fund, in accordance with the advertisement and notice provided for in the preceding section, the principal and interest upon such bonds as may be presented for payment in accordance with said advertisement and notice, and no bond so advertised, as in section eleven of this Act is provided, shall bear or draw any interest after the time of limitation in said notice and advertisement stated, but the amount of money in said fund equal to the amount of such of said bond as shall not have been presented to said Treasurer for redemption, shall by him be set apart and kept inviolate for the payment of such of said bonds as were advertised under the provisions of said section eleven and not presented for redemption within the time mentioned in said advertisement and notice.

Duty of Treasurer.

SEC. 13. Within thirty days after the passage of this Act the Trustees of said Arroyo School District must call a special election for the purpose of electing a District Assessor and a District Tax Collector, which election shall be governed by the laws relating to election in school districts, and except that no particular form of ballot shall be required to be used by the voters at such election; at least ten days' notice shall be giving of such election by posting notices in at least three public places in said school district. The

Election for certain officers.

Bond.

officers elected at such special election shall hold their offices for the term of two years, when their successors shall be elected by the electors of said Arroyo Grande School District. The Assessor shall give bond for the faithful performance of the duties of his office in the sum of one thousand dollars. The Collector of taxes shall give bond for the faithful performance of the duties of his office in the sum of two thousand dollars. The bonds of both the Assessor and Collector of taxes must be with not less than two good and sufficient sureties in twice the amount of the principal sum on the said bonds named, and must be approved by the County Judge of said county before the said officers enter upon the discharge of the duties of their offices. The Assessor shall receive for his services such compensation as the said Board of Trustees may allow. The Collector may receive for his services such compensation as the said Board of Trustees may allow, not exceeding the rate of two per cent. on each dollar collected. Both the Assessor and Collector shall be governed in the discharge of the duties of their offices by the laws in force in relation to the assessment and collection of State and county taxes. Nothing in this Act shall prevent the same person from acting as Assessor and Collector of taxes in said school district. The said Board of Trustees shall sit at least ten days, between the hours of ten in the morning and four in the afternoon, as a Board of Equalization, after giving ten day notice of such meeting by posting notices in not less than three public places in said district. All taxes levied under the provisions of this Act, that may become delinquent, shall be collected as is provided in Article Nineteen, Chapter Three, Title Three, of the Political Code, for the collection of district school taxes.

Equaliza-  
tion.Duty of  
Clerk.

SEC. 14. The Clerk of said Board of Trustees must keep in a book provided for the purpose a full, correct, and true account and record of all the proceedings of the Board of Trustees of said school district under the provisions of this Act, including the amount of bonds issued, sold, surrendered, and redeemed, and of the coupons for the interest on said bonds as received from the said County Treasurer, and also the amount received each year by taxation, and the amount paid out as interest on the said bonds. It is hereby made a part of the duty of the District Assessor and Collector of taxes, and also the County Treasurer, to furnish to the said Clerk written statements of their acts, receipts, and disbursements under this Act, in order that he may be able to make the record as is in this section required of him.

SEC. 15. This Act shall take effect and be in force from and after the date of its passage.

CHAP. CCLXXXIV.—*An Act to authorize Dockery School District to issue bonds for building purposes.*

[Approved March 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Trustees of Dockery School District, in the County of Butte, State of California, are hereby authorized and empowered to call an election, at which shall be submitted to the electors of said school district the question whether bonds of said school district to the amount of ten thousand dollars shall be issued for the purpose of erecting and furnishing a school house. Election authorized.

SEC. 2. Such election shall be called by posting notices in three public places in said school district for not less than twenty days, and publishing such notice once a week for at least three successive weeks prior to said election, in a newspaper published in said Butte County. How called.

SEC. 3. The said Trustees shall appoint one Inspector and two Judges to conduct such election, and such election shall be held, as nearly as practicable, in conformity with the general election law; *provided, however*, that no error, omission, or irregularity shall invalidate the same. Election officers appointed.

SEC. 4. At such election the ballots shall contain the words "School bonds to issue—yes," or "School bonds to issue—no," printed or written thereon.

SEC. 5. The said Inspector and Judges shall return the result to said Trustees within two days after such election, and if a majority of all the votes cast thereat shall be "School bonds to issue—yes," then the said Trustees shall be authorized, and are hereby empowered and directed to issue bonds of the said Dockery School District, for the sum of ten thousand dollars, payable in gold coin of the United States, in twenty years after the date of said bonds, and to bear interest at the rate of ten per cent. per annum, payable annually, in gold coin, at the county treasury of said Butte County. Issuance of bonds.

SEC. 6. Said bonds shall be of the denomination of two hundred dollars each, with coupons for interest attached, and shall be signed by the Chairman of said Board of School Trustees, the School Superintendent, and County Auditor of said county, and shall be authenticated by the official seal of said Auditor; and each of said bonds shall purport that said school district owes to the holder thereof the sum of two hundred dollars in said gold coin, payable and bearing interest as aforesaid. Denomination.

SEC. 7. The said School Superintendent and County Auditor must sign said bonds in manner aforesaid, when the same shall have been signed by the said Chairman, and said Auditor must authenticate, in manner aforesaid, each of said bonds, at the time of signing by him.

SEC. 8. Within three months after the issuance of any bonds under the provisions of this Act, and thereafter in every second year, until all the bonds and interest thereon Officers elected.

Officers  
elected.

are fully paid, the qualified electors of Dockery School District shall elect one District Assessor and one District Tax Collector; *provided*, that it shall be competent for said electors, at such election, to elect to such offices any elector of said district to both offices. The first election of said officers shall be held at such time and place, and in such manner as the said School Trustees shall designate. All subsequent elections must be held at the same time as is by law required for the election of District Trustees, and notice of such election must be given. Officers to conduct the same must be appointed by said School Trustees, and said election must be conducted in the same manner as the law requires for the election of District Trustees, except in this: that the officers conducting said election must, within three days thereafter, make return thereof to the Trustees of said school district, and said Trustees must canvass said election returns, and must issue thereupon certificates of election to the persons having received the highest number of votes cast. The terms of office of the persons so elected at the first election shall commence upon reception of a certificate of election, and qualifying as herein provided, and shall continue until the first Monday in July in the second year after their election, and thereafter the term of said officers shall commence on the first Monday in July after their election, and continued for two years, and until their successors are elected and qualified. The persons elected to said offices, within ten days after receiving their certificates of election, must qualify, by taking the oath of office, and executing and filing with the Clerk of said School Trustees an official bond in such sum as may be fixed by the order of said School Trustees. Said bond must be executed in the same manner as other official bonds, and before filing must be approved by the County Judge of said Butte County.

Duty of  
Assessor.

SEC. 9. It shall be the duty of the District Assessor, immediately after his election as such Assessor, and thereafter on the first Monday in July in each year during his continuance in office, to commence making an assessment of all property in said district, both real and personal, liable to taxation. Such assessment shall be made in like manner as the assessment for State and county purposes is required by law to be made; and said District Assessor shall, within his district, have and exercise all the powers by law conferred upon County Assessors. Said assessment, in each year, shall be finished and the assessment roll delivered to the Board of Trustees of said district on the first Monday in September in each year.

Board of  
Equaliza-  
tion.

SEC. 10. The Trustees, after receiving the assessment roll from the Assessor, must give five days' notice thereof, by posting notices in three public places in said district, and at such times and places as have been named in such posted notices they must sit as a Board of Equalization; their sessions as such must continue for at least three days, and not more than ten days. During their session they must equalize said assessment, and for that purpose they shall have the same powers and are under the same restrictions as the

County Board of Equalization to make changes in said assessment roll. As soon as the work of equalization has been completed, the Trustees must levy a tax upon the property in said district sufficient, in each year, to pay all the interest accruing on the bonds issued under the provisions of this Act, during the year, and all the expenses of the collection of said tax, also sufficient to create a redemption fund of not less than five hundred nor more than one thousand dollars per year; and the said tax, when so levied, shall be a lien upon all the property in said district upon which they are assessed, which lien shall attach in each year on the first Monday in July, and shall continue until the said taxes are fully paid, or until the property upon which the same has been assessed vest absolutely in a purchaser under a sale, as hereinafter provided, for the satisfaction of said taxes.

SEC. 11. Immediately after the levy of the taxes aforesaid, the District Clerk and Assessor must compute and carry out on the assessment roll the amount of taxes due from each person or parcel of property assessed, in the same manner as the law requires the Auditor to do in the county assessments; and on or before the first Monday in October of each year, the Clerk of the district must deliver to the District Collector the said district assessment roll, duly certified by the said Clerk, and he must take a receipt therefor from said Collector, and must charge him with the full amount of the taxes due thereon, and said District Clerk must immediately forward a copy of said receipt, certified to by him to the Auditor of said Butte County.

Duty of  
Clerk and  
Assessor.

SEC. 12. The District Collector, after receiving said assessment roll, must proceed to collect the taxes due thereon from the persons and property assessed, and, within sixty days from the receipt of the said assessment roll, return to the said School Trustees with the word "paid" marked opposite the name of such person or description of property assessed, from whom or on which he has received the tax; and he must also, at the same time, file with the Trustees the County Treasurer's receipt for all the moneys by him collected, and the persons and property on the roll not by the Collector marked "paid" are delinquent.

Duty of  
Collector.

SEC. 13. When any tax under the provisions of this Act shall have become delinquent, the said District Tax Collector shall, within ten days after returning the roll provided for in section twelve of this Act, return to the District Attorney of the county in which the said district is situated, a duly certified delinquent list of such persons and property as are delinquent.

SEC. 14. It shall be the duty of the District Attorney of the county to commence a civil action in the name of the people of the State of California, in any Court of the county, to recover the delinquent taxes.

Duty of  
Attorney.

SEC. 15. In such action, a complaint, substantially in the following form, shall be sufficient: (Title of Court). The People of the State of California *vs.* (naming the defendant). Plaintiff avers that the defendant is indebted to the plaintiff in the sum of \$—, district school tax for —

Form of  
complaint.

School District, in the County of —, State of California, for the year 18—, and \$— costs of collection to date. Plaintiff demands judgment in the sum of \$—.

SEC. 16. If, in such action provided for in sections fifteen and seventeen, the amount is paid, or the plaintiff recover judgment, there shall be included in such judgment the sum of ten dollars as attorney's fees.

Action to  
collect tax;  
how made.

SEC. 17. In an action to enforce the collection of said tax, wherein any part of the tax is charged in the complaint to have been levied or assessed against or to be a lien upon any real estate or improvements on real estate, it shall be competent to proceed *in rem*. against such real estate or improvements, or against both, such real estate being described in the summons in such manner as to designate the particular tract or tracts of land sought to be charged, and in case of improvements, designating the tract of land on which the improvements are situated; and the description shall be sufficient, if it can be ascertained what land is intended; the summons also stating the amount of taxes claimed as a lien, and the year in which the taxes were assessed. Such summons need not name any particular defendant, but may be directed to all owners, known and unknown, of the property described, and such action may, at the option of the District Attorney, also proceed against any or all persons or corporations who are under obligations to pay the tax.

Service of  
summons;  
how made.

SEC. 18. Service of summons, whether issued by the District Court or a Justice's Court, may be made by publication of a copy of the summons once a week for four successive weeks, in a newspaper published in the county in which the action is commenced. The service of the summons shall be complete at the expiration of the time of such publication.

Judgments  
shall be  
docketed.

SEC. 19. Judgments rendered in such cases in the District Court shall be docketed and become liens upon all property of the defendant liable to taxation, and may be enforced against the same; and the District Attorney may file transcripts of judgments rendered in Justices' Courts, under this article, with the County Clerk, who shall thereupon docket such judgments, and they shall become liens from and after such docket entry, in like manner as judgments rendered in the District Court under this article, and the County Clerk may issue execution on such docketed Justice's judgment, as on judgments rendered in the District Court.

Certain law  
made appli-  
cable.

SEC. 20. The law regulating proceedings in civil cases in Courts of justice in this State, so far as the same is not inconsistent with the provisions of this article, is hereby made applicable to proceedings under this article; and any deed derived from a sale of real property under this Act shall be conclusive evidence of title, except as against actual frauds or prepayment of taxes, and shall entitle the holder thereof to a writ of assistance from the District Court to obtain possession of such property; *provided*, that the Sheriff, in selling said property, shall only sell the smallest quantity that any purchaser will take and pay the judgment and costs; *and provided further*, that when property is sold belonging to minors, or persons under legal disability, they shall have

Property re-  
deemable  
with in one  
year.



until one year after said disability is removed to redeem said property by paying the whole bid and all subsequent taxes and interest. All moneys collected in this behalf, except costs and charges, shall, without delay, be paid to the Treasurer of the county for the use of the district in which the tax was levied and the date thereof shall be entered opposite the proper name or property in the delinquent list, which shall be open to public inspection.

SEC. 21. The County Auditor, upon receiving the copy of the receipt of the Tax Collector provided for in section eleven of this Act, must charge the District Collector with the amount of the taxes receipted for in an account to be kept by him, and thereafter he must keep said District Collector's account, and must make settlement with him, in relation to said district assessment roll, in the same manner as he is required to charge the County Tax Collector and settle with him on account of State and county taxes; and, upon receiving from said District Collector the Treasurer's receipt for moneys paid him on account of such taxes, the County Auditor must charge the County Treasurer with the amount specified in said receipt.

Duty of Auditor.

SEC. 22. It shall be the duty of said County Treasurer to place all moneys paid into the county treasury by virtue of this Act to the credit of said school district, and the same shall be subject to the warrant of the School Superintendent drawn upon the order of the said Trustees, and shall be used by said Trustees only for the purpose of paying the expenses of assessing and collecting said tax, the interest on said bonds, and for their redemption as hereinbefore provided.

Duty of Treasurer.

SEC. 23. The said School Trustees are hereby authorized and empowered to use the said bonds, or the money realized from the sale thereof, for the purchase of a suitable site, and the erection thereon of a suitable building for public school purposes in said district, and for painting and furnishing the same, and for no other purpose.

Proceeds of bonds to be used; how.

SEC. 24. The said bonds shall be sold by the said School Trustees to the person or persons offering the highest price therefor; *provided*, said bid shall not be less than ninety-five per cent. of the par value thereof; *and provided further*, that said Trustees may use said bonds, in whole or part, directly in payment for any and all the expenses incurred in purchasing land for a site, or the erection, painting, and furnishing said school building, if they deem it for the best interest of said school district so to do. For the purpose of selling said bonds, it shall be the duty of said School Trustees to advertise the same for sale for at least two weeks, in one newspaper printed in said County of Butte, and in one newspaper printed in the City and County of San Francisco, inviting proposals for the purchase thereof; and the purchaser whose bid shall be accepted shall pay into the County Treasurer the amount bid by them, and upon the production of the County Treasurer's receipt thereof they shall be entitled to receive from said Trustees the bonds so purchased. Whenever there shall be one thousand dollars in said Interest or Redemption Fund in excess of the amount

Sale of bonds.

Redemption of bonds.

required to pay the interest for that year, the County Treasurer, under the order of said School Trustees, shall give notice, by publication in some newspaper printed in said County of Butte, that sealed proposals directed to him for the surrender of the bonds of said school district will be received by him until a certain time, to be designated in said notice. On the day and at the place named in said notice, he shall open all proposals received for the surrender of said bonds, and accept the lowest bid offered, until he shall have accepted an amount sufficient to exhaust the money in said funds not then required for the payment of said interest; *provided*, that no bid for more than par value shall be accepted, nor any bid, unless the bonds to be surrendered accompany such bid. All bonds so redeemed shall be canceled by writing the word "paid" across the face of the bond, with the date of the surrender thereof, which shall be signed by the said County Treasurer. Should no bids be received for par value or less, the money in said fund shall be used for the redemption of said bonds according to their number and date of their issue, and the said County Treasurer shall give the same notice as is required by law for the redemption of county warrants of Butte County, and after thirty days from the date of said notice the bonds proposed to be redeemed shall cease to draw interest; and if any such bonds shall not be presented for redemption within three months from the date of such notice said Treasurer shall apply such money for the redemption of bonds next in order, according to the number of their issue. In the year eighteen hundred and ninety-eight, provided said bonds shall not have all been previously redeemed, there shall be levied and collected in said school district, in the manner hereinbefore provided, an amount of money sufficient to redeem and pay all the said bonds then remaining unpaid. Each of the officers herein named shall be responsible on his official bond for all acts performed by him under the provisions of this Act.

Cancellation.

Salary of  
Tax Collector and  
Assessor.

SEC. 25. The District Assessor and District Tax Collector, for the services required of them under the provisions hereof, shall receive salaries as follows: The District Assessor the sum of one hundred and fifty dollars per year, and the District Collector the sum of one hundred dollars per year. The Trustees of said school district shall, on the first Monday in January and July, in each year, audit and draw their order upon the School Superintendent, who shall draw his warrant on the County Treasurer in favor of said Assessor and Collector for the salaries due them, which shall be paid by said Treasurer out of any money in said treasury derived from the tax provided for in this Act. Should a vacancy occur in either of said offices of Assessor or Collector, the same shall be filled, until the next annual election of School Trustees in said school district, by appointment made by the Board of School Trustees of said district, and then by election.

Errors may  
be corrected.

SEC. 26. Omissions, errors, or defects in form in any original or duplicate assessment book, or delinquent list, when

it can be ascertained therefrom what was intended, may, with the written consent of the District Attorney, be supplied or corrected by the Assessor, at any time prior to the sale for delinquent taxes, and after the original assessment was made.

SEC. 27. Taxes must be paid in gold and silver coin of the United States.

SEC. 28. No assessment or act relating to assessment or collection of taxes under the provisions of this Act is illegal on account of error or informality, nor because the same was not completed within the time required herein; and in any suit or proceeding had under any of the provisions hereof, or in relation hereto, this said Act and every part hereof must receive a liberal construction, to the end that errors, omissions, or informalities in any of the proceedings had hereunder, not amounting to want of jurisdiction, shall not vitiate or render void or voidable any proceeding had hereunder, and when an action is brought as herein provided, for taxes correctly imposed as the property of a particular person, or sold under the provisions of this Act, no misnomer of the owner or supposed owner, or other mistake relating to the ownership thereof, shall affect such action or sale, or render either void or voidable.

Assessments  
not illegal  
on account of  
errors, etc.

SEC. 29. No other officers, except the District Assessor and Collector and District Attorney, charged with any duties under the provisions of this Act, shall be allowed to receive any compensation for such services.

SEC. 30. From the time of the issuance of any bonds, as hereinbefore authorized, until their payment and redemption, the boundaries of said Dockery School District, as now constituted, shall not be diminished. The revenue to be raised for the payment of principal and interest of the bonds herein provided for shall be raised exclusively by taxes, to be levied upon the property within Dockery School District, as now defined by the Board of Supervisors of Butte County.

Boundaries  
to remain  
the same.

SEC. 31. This Act shall take effect and be in force on and after its passage.

CHAP. CCLXXXV.—*An Act to amend an Act entitled an Act, approved February eighteenth, eighteen hundred and seventy-four, to provide for the building of a school house in the Merced School District, in the County of Merced, State of California.*

[Approved March 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section nine of said Act is hereby amended so as to read as follows: Section 9. Within three months after the issuance of any bonds under the provisions of this Act, and thereafter in every second year until all the bonds

Officers  
elected.

Time of  
election.

Term of  
office.

and the interest thereon are fully paid, the qualified electors of said Merced School District shall elect one District Assessor and one District Tax Collector; *provided*, that it shall be competent for said electors, at such election, to elect to such offices any elector of said county. The first election of said officers shall be held at such time and place as may be designated by the Board of Trustees. All subsequent elections must be held on the last Saturday in April, and notice of such election must be given, officers to conduct the same must be appointed, and the same must be conducted in all respects as the law requires for the election of District Trustees, except in this, that the officers conducting said election must, within three days thereafter, make return thereof to said Board of Trustees, and said Board must canvass said election returns, and must issue thereupon certificates of election to the persons having received the highest number of votes cast. The term of office of the persons so elected at the first election shall commence upon their reception of a certificate of election, and qualifying as herein provided, and shall continue until the first Monday in May in the second year after their election, and thereafter the term of said officers shall commence on the first Monday in May after their election, and continue for two years, and until their successors are elected and qualified. The persons elected to said offices, within ten days after receiving their certificates of election, must qualify, by taking the oath of office, and executing and filing with the District Clerk an official bond in such a sum as may be fixed by the order of said Board of Trustees. Said bond must be executed in the same manner as other official bonds, and before filing must be approved by the County Judge of said county; *provided*, that if either the County Assessor or the County Tax Collector, or both, are elected to the respective offices of District Assessor and Collector, no additional bond shall be required of them, but they shall be liable on their official bonds as County Assessor and County Tax Collector for the faithful discharge of the duties devolving upon them under the provisions of this Act.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXXXVI.—*An Act to grant to George E. Isaacs, and his assigns, the right to supply the inhabitants of the Town of Merced with fresh water.*

[Approved March 19, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Right  
granted.

SECTION 1. The right is hereby granted to George E. Isaacs, and his assigns, to lay down suitable water pipes in the Town of Merced, in the County of Merced, in the State of

California, for the purpose of supplying the inhabitants of said town with pure and wholesome water, and for that purpose to make all such excavations on and through all such highways and streets as may be necessary therefor; and whenever such excavations shall have been made and the pipes laid in the places so excavated the said grantee, or his assigns, shall forthwith fill up the same so as to restore such streets, highways, or passages, to as good condition as they were in when said excavations were commenced.

SEC. 2. The right to lay down and maintain such water pipes in said streets, highways, and passages shall continue in said grantee, and his assigns, for the term of twenty-five years; *provided*, this Act shall not be so construed as to give any exclusive right or privilege to said George E. Isaacs.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXXXVII.—*An Act in relation to the office of Sheriff of the City and County of San Francisco.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. In addition to the deputies now allowed by law, the Sheriff of the City and County of San Francisco may appoint four deputies—one to act as Bailiff of the Probate Court of said city and county, and wait upon the Grand Jury; one to act as Assistant Bailiff of the Municipal Criminal Court of said city and county; and two to act as office deputies. Said deputies shall receive a salary of one hundred and fifty dollars per month each. Extra deputies to be appointed.

SEC. 2. The authority to appoint Deputy Jail-keepers, in the City and County of San Francisco, not to exceed sixteen in number, shall vest in and be exercised by the Sheriff of said city and county. Said deputies shall receive a salary not to exceed one hundred and twenty-five dollars per month each. Certain authority vested in Sheriff.

SEC. 3. The said Sheriff shall be allowed the sum of one hundred and fifty dollars per month to defray his expenses for counsel and attorney's fees. Salary of Sheriff.

SEC. 4. The salaries and moneys provided to be paid by this Act shall be paid by the Treasurer of the City and County of San Francisco, out of the General Fund of said city and county, upon the audit of the City and County Auditor, who is hereby directed to audit the salaries and moneys hereby provided.

SEC. 5. The said Sheriff may retain, out of the moneys received by him from this State, for the transportation of persons committed to the Asylum for the Insane, and prisoners delivered at the State Prison, the actual expenses incurred by him in the transportation of said persons to Sheriff allowed expenses.

said institutions, and shall make a monthly report to the Treasurer of the City and County of San Francisco of all moneys expended and received by him; and if any surplus remain of the moneys so received, over and above the actual expenses incurred, the same shall be paid into said treasury monthly.

Salary of  
Deputy  
Sheriffs.

SEC. 6. The Deputy Sheriffs acting as Bailiffs in the District Courts shall receive a salary of one hundred and fifty dollars per month.

SEC. 7. All Acts and parts of Acts, so far as they may be in conflict herewith, are hereby repealed.

SEC. 8. This Act shall take effect immediately.

CHAP. CCLXXXVIII.—*An Act conferring additional powers upon the Board of Supervisors and the Auditor and Treasurer of the City and County of San Francisco.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Authorizing  
Board to  
examine  
and pay  
certain  
claims.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to examine the claims represented by warrants and demands enumerated in section two (2) of this Act; and if upon examination said warrants and demands, or any of them, are found to be a just claim against said city and county, and have not been paid, then the said Board of Supervisors are authorized and empowered to appropriate and allow, the Auditor to audit, and the Treasurer to pay out of the General Fund, a sum or sums not to exceed the several amounts specified in section two (2) of this Act.

SEC. 2. The claim of Henry W. Seale, or his assigns, for City Controller's warrant number eight hundred and thirty-nine, for the sum of two hundred dollars, being forty per cent. of the face of said warrant of five hundred dollars, and in full for the same. The claim of Henry W. Seale, or his assigns, for City Controller's warrant number eight hundred and forty-two, for the sum of two hundred dollars, being forty per cent. of the face of said warrant of five hundred dollars, and in full for the same. The claim of Soulé and Page, or their assigns, for City Controller's warrant number thirty-three hundred and two, for the sum of two hundred and forty-six dollars and nine cents, being forty per cent. of the face of said warrant of six hundred and fifteen dollars and twenty-three cents, and in full for the same. The claim of Soulé and Page, or their assigns, for City Controller's warrant number thirty-three hundred and seven, for the sum of one hundred and ninety-three dollars and forty-one cents, being forty per cent. of the face of said warrant of four hundred and eighty-three dollars and fifty-three cents, and in

full for the same. The claim of C. K. Smith, or his assigns, for City Controller's warrant number two hundred and eighty-one, for the sum of four hundred dollars, being forty per cent. of the face of said warrant of one thousand dollars, and in full for the same. The claim of C. K. Smith, or his assigns, for City Controller's warrant number two hundred and eighty-two, for the sum of four hundred dollars, being forty per cent. of the face of said warrant of one thousand [dollars], and in full for the same. The claim of Abend Zeitung, or assigns, for City Controller's warrant number five hundred and twenty-six, for the sum of four dollars, being forty per cent. of the face of said warrant of ten dollars, and in full for the same. The claim of R. E. Kerrison, or his assigns, for City Auditor's warrant number one hundred and forty-one, for the sum of twenty-four dollars and sixty cents, being forty per cent. of the face of said warrant of sixty-one dollars and fifty cents, and in full for the same. The claim of James Grant, or his assigns, for City Auditor's warrant number two hundred and sixty-three, for the sum of four hundred dollars, being forty per cent. of the full face of said warrant of one thousand dollars, and in full for the same. The claim of James Grant, or his assigns, for City Auditor's warrant number two hundred and sixty-four, for the sum of four hundred dollars, being forty per cent. of the face of said warrant of one thousand dollars, and in full for the same. The claim of James Grant, or his assigns, for City Auditor's warrant number two hundred and sixty-eight, for the sum of forty dollars, being forty per cent. of the face of said warrant of one hundred dollars, and in full for the same. The claim of James Grant, or his assigns, for City Auditor's warrant number two hundred and sixty-nine, for the sum of forty dollars, being forty per cent. of the face of said warrant of one hundred dollars, and in full for the same. The claim of James Grant, or his assigns, for City Auditor's warrant number two hundred and seventy, for the sum of forty dollars, being forty per cent. of the face of said warrant of one hundred dollars, and in full for the same. The claim of James Grant, or his assigns, for the City Auditor's warrant number two hundred and seventy-one, for the sum of forty dollars, being forty per cent. of the face of said warrant of one hundred dollars, and in full for the same. The claim of James Grant, or his assigns, for City Auditor's warrant number nine hundred and five, for the sum of one hundred dollars, being forty per cent. of the face of said warrant of two hundred and fifty dollars, and in full for the same. The claim of James Grant, or his assigns, for City Auditor's warrant number nine hundred and seven, for the sum of one hundred dollars, being forty per cent. of the face of said warrant of two hundred and fifty dollars, and in full for the same. The claim of Dr. J. T. Hyde, or his assigns, for City Auditor's warrant number seven hundred and sixty-one, for the sum of thirty dollars, being forty per cent. of the face of said warrant of seventy-five dollars, and in full for the same. The claim of Benjamin Lockheart, or his assigns, for County Auditor's warrant number three hundred and

Authorizing  
Board to  
examine  
and pay  
certain  
claims

Authorizing  
Board to ex-  
amine and  
pay certain  
claims.

thirty-one, the sum of nineteen dollars and sixty cents, being forty per cent. of the face of said warrant of forty-nine dollars, and in full for the same. The claim of John Benson, assignee, or his assigns, for audited demand on the treasury number three thousand nine hundred and twenty-eight, for the sum of one hundred dollars. The claim of John Benson, assignee, or his assigns, for audited demand on the treasury number three thousand nine hundred and thirty, for the sum of one hundred dollars. The claim of John Benson, assignee, or his assigns, for audited demand on the treasury number three thousand nine hundred and thirty-one, for one hundred dollars. The claim of John Benson, assignee, or his assigns, for audited demand on the treasury number three thousand nine hundred and sixty-eight, for the sum of one hundred dollars. The claim of H. E. Perry, or his assigns, for audited demand on the treasury number three thousand nine hundred and thirty-seven, for one hundred dollars. The claim of H. E. Perry, or his assigns, for audited demand on the treasury number three thousand nine hundred and forty-one, for one hundred dollars. The claim of H. E. Perry, or his assigns, for audited demand on the treasury number three thousand nine hundred and forty-two, for one hundred dollars. The claim of H. E. Perry, or his assigns, for audited demand on the treasury number three thousand nine hundred and forty-four, for one hundred dollars. The claim of H. E. Perry, or his assigns, for audited demand on the treasury number three thousand nine hundred and forty-five, for one hundred dollars. The claim of Henry Leffingwell, assignee, or his assigns, for audited demand on the treasury number three thousand nine hundred and fifty-six, for one hundred dollars.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXXXIX.—*An Act to provide for determining the rights of parties in certain swamp and overflowed lands, in Fresno and Kern Counties.*

[Approved March 20, 1878.]

Preamble. WHEREAS, The Legislature of the State of California by three Acts, approved, respectively, April 11th, 1857, April 10th, 1862, and April 25th, 1863, granted to W. F. Montgomery and others certain lands, in what was then the Counties of Fresno and Tulare, upon certain conditions in said Acts named, and thereafter and on the 11th day of November, 1867, the Governor and the Register of the State Land Office, claiming to act under said statutes or some of them, issued a certain document purporting to be a patent for a portion of said lands to the grantees in said Acts named; and whereas, an action has been brought by the Attorney-General, in the name of the people of this



State, in the District Court of the 12th Judicial District of the State of California, in and for the City and County of San Francisco, for the purpose of having the said patent adjudged to be null and void, which said action is numbered 19,140 upon the Register of said Court; and whereas, certain persons claim that they have legal or equitable interests under the grantees, in said Acts of the Legislature mentioned, which they have purchased in good faith; and that since the said document or patent was issued the said last named persons have expended large sums of money in reclaiming and improving said lands, and that they have paid State and county taxes thereon for many years, and that said lands are substantially reclaimed; now, therefore,

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All persons claiming title, legal or equitable, under said grantees, in the said Acts of the Legislature mentioned, shall have the right, within sixty days after the passage of this Act, to appear in the said action in the preamble herein mentioned, and file their respective answers therein, which shall describe the said lands so claimed by them, respectively, and each of said persons shall be permitted, upon the trial of said action, to introduce evidence for the purpose of showing that he is a claimant, under the said grantees, in the Acts of the Legislature mentioned, for any portion of the lands described in the said patent, and has paid State and county taxes thereon; and has, also, since the date of said patent, to wit, November 11, 1867, made expenditures for the reclamation of the same, whether in connection with swamp land districts or otherwise, and for fencing upon, or inclosing the same, and other improvements and expenditures upon or for its benefit, a sum, with the taxes paid thereon by himself and his grantors, shall amount to the sum of one dollar per acre for the whole of the land so claimed by him.

Persons given right to appear and file answers.

SEC. 2. Upon proof being made to the satisfaction of the Court that any party to said action is a claimant, under the grantees, in said Acts of the Legislature mentioned, and has paid State and county taxes on the lands claimed by him; and has, also, since the said 11th day of November, 1867, made expenditures for the reclamation of the same, whether in connection with swamp land districts or otherwise, and for fencing upon or inclosing the same, and other improvements and expenditures upon or for its benefit, a sum which, with the taxes paid thereon by himself and his grantors, shall amount to the sum of one dollar per acre for the whole of the said land so claimed by him, then a judgment shall be rendered in said action for such party for the said lands, describing them. And, thereupon, a patent shall be issued by the Governor and Register of the State Land Office, over the great seal of the State, to such person for his said lands, and the title of the State of California to said lands shall

Judgment rendered to claimant; when.

vest in the said person, his heirs and assigns, as of the date of the said judgment.

Claimant  
may be  
preferred  
purchaser.

SEC. 3. In case it shall appear upon the said trial, in regard to the lands claimed as aforesaid, that the claimant cannot prove to the satisfaction of the Court the facts above permitted him to prove, and it shall also be made to appear to the satisfaction of the Court that application has been made under the general laws relating to swamp and overflowed lands to purchase from the State the lands in regard to which there is such failure of proof, and that such applicant has expended in reclaiming said land the sum of one dollar per acre, judgment shall be entered accordingly, and such applicant shall be a preferred purchaser as to such land.

SEC. 4. All intents and shall be in favor of the judgments and orders of the Court in the premises, and any party may appeal to the Supreme Court of this State as in other cases.

SEC. 5. The Attorney-General of this State is hereby directed to take such action as shall carry into effect the purposes of this Act.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCXC.—*An Act to prevent the trespassing of animals upon private property in the County of Yolo.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Owners of  
trespassing  
animals  
liable for  
damages.

SECTION 1. If any horse, mare, mule, jack, jenny, hog, sheep, goat, or head of neat cattle, or any number of such animals, shall break into or enter upon any private lands, whether inclosed or not, the owner of or person keeping, harboring, or controlling such animals, shall be liable to the owner or possessor of such lands for the amount of all damages caused by such trespass; or, when the trespass is continuing in its nature, for all damage caused by such continuing trespass; such damages to be recovered in a civil action brought for that purpose.

Owner of  
land shall  
have lien on  
animals.

SEC. 2. The owner or possessor of any lands upon which any such trespass shall be committed shall, in addition to the remedy given by section one of this Act, have a lien upon the animals so trespassing so long as he shall retain them in his possession, as security for the payment of any judgment that may be recovered in such action, as well as for the costs of keeping the same, as hereinafter provided; which lien shall have the same force and effect as, and no other, than the lien of any attachment duly levied on such property. No such lien shall continue in force for a longer period than ten days from the date of such trespass, or, where the trespass is a continuing trespass, ten days from the

date of the last trespass, unless an action for the damages herein given be commenced within that time.

SEC. 3. If the name of the person owning, harboring, or controlling such animals be unknown and cannot, after due inquiry, be ascertained, the complaint shall state that fact and shall be verified, and the action shall be brought against all owners and claimants of such animals, designating them by fictitious names. The animals shall be described in such complaint with reasonable certainty, giving their number, and color, and marks or brands that may be upon them, and the summons shall contain the same description, and shall be served by posting copies thereof, for the period of five days, in two conspicuous places in the township in which such lands are situated, and one copy, for the like period of time, at the place where the Court is held. The judgment shall be against all owners and claimants of such animals, unless some owner shall appear and defend, in which case the judgment shall be also against him by name. Nothing in this section contained shall apply to any case where the owner of such animals is sued by name.

Actions against unknown owners; how brought.

SEC. 4. When the owner of, or person keeping, harboring, or controlling such trespassing animal or animals is known, the owner or possessor of the land trespassed upon shall, within three days after such trespass, or continuing trespass, as the case may be, either verbally or in writing, notify the owner of, or person keeping, harboring, or controlling such trespassing animal or animals in substance that said animal or animals have trespassed upon him; that he has suffered damage by such trespass (naming the amount), and that he holds a lien upon said animal or animals for the amount of damage sustained by him. On paying, either with or without notice, the amount of damage sustained, together with the cost of keeping then accrued, the lien herein provided for shall cease, and the owner of, or person entitled to the possession of, such trespassing animal or animals, shall be restored to his or their possession.

Owner of land to notify owner of animals when known.

SEC. 5. Upon the issuance of an execution upon any judgment obtained under the provisions of this Act, the officer to whom the same is directed shall levy the same upon any animal or animals upon which a lien shall have been obtained under the provisions of section two of this Act, and shall thereafter proceed as in cases of other executions. If the judgment be against any person by name, the execution may also be levied upon any other property of the judgment debtor not exempt from execution. No statute exempting property from execution or forced sale shall apply to animals taken under the provisions of section two of this Act.

Execution, how levied.

SEC. 6. When the owner of, or person keeping, harboring, or controlling the trespassing animal or animals is unknown, and action is brought in a Justice's Court against fictitious persons, and after satisfying the execution there shall be a surplus of the proceeds remaining in the hands of the officer, such officer shall return the same to the Justice issuing the

Disposal of surplus money.

execution, who shall, without delay, after making a minute in his docket of the amount, deliver the same to the Clerk of the District Court of the county, who shall retain the same subject to the order of the Court. The said Court, or Judge thereof, shall order the said surplus proceeds to be paid to the party or parties rightfully entitled thereto. If no person shall claim or apply for said surplus proceeds within one year from the date of its delivery to the Clerk of the District Court, the same shall be delivered by him to the Treasurer of the county, to be applied to the benefit of the School Fund.

Fees for  
keeping  
animals.

SEC. 7. In any action in which any lien is obtained upon such animal or animals, if judgment be rendered in favor of the plaintiff, there shall be taxed as costs in his favor the following fees for keeping such animals from the date of such trespass and taking: For each horse, mare, mule, jack, jenny, or head of neat cattle, the sum of twenty-five cents per day; for each goat, or hog, the sum of ten cents per day; and for each sheep, the sum of five cents per day.

SEC. 8. Nothing in this Act contained shall be so construed as to prevent the person liable for such damages and costs of keeping from protecting himself by tender of the same, as in other cases.

SEC. 9. Nothing in this Act contained shall be so construed as to prohibit persons who may be driving stock from one place to another from driving the same across uncultivated lands not inclosed, nor from watering such stock at natural watering-places on such lands.

Misde-  
meanor.

SEC. 10. Every person who shall drive; or procure to be driven, any stock to or upon his lands for the purpose of taking advantage of any provisions of this Act, or who shall drive, or procure to be driven, any stock not lawfully in his possession or under his control upon the land of any person, with intent to create any liability against the owner of such stock, under any provision of this Act, is guilty of a misdemeanor.

Repeal.

SEC. 11. The Act entitled "An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Yolo," approved March eleventh, eighteen hundred and seventy-four, and all Acts concerning estrays, animals running at large, and the trespassing of animals upon private property, and all Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed so far as they affect the County of Yolo.

SEC. 12. This Act shall apply only to the County of Yolo.

SEC. 13. This Act shall take effect and be in force from and after its passage.

CHAP. CCXCI.—*An Act to quiet title to town lots in the City of Visalia.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All deeds of conveyance heretofore executed to the purchasers and holders of town lots in the City of Visalia, sold at public auction by the County of Tulare, which deeds were executed by the County Clerk of said county, and purport to be made under and by virtue of a certain order made and entered of record by the Board of Supervisors of said Tulare County, on the fourth day of November, A. D. 1858, on the minutes of said Board, are hereby declared valid and effectual in law, to vest in the grantee or grantees named in any such deed, his or their heirs and assigns, all the right, title, and interest of said County of Tulare, in and to the land and premises mentioned and described in such deed of conveyance.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXCII.—*An Act to amend an Act entitled "An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California," approved March 30th, 1868.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section one of said Act is hereby amended so as to read as follows: Section 1. Section four of said Act is hereby amended so as to read as follows: Section 4. The Trustees of said town may adopt rules for its proceedings, shall judge of the qualifications of its own members, and shall have power to remove for good and sufficient cause, after a notice to the party accused, by a unanimous vote, any and all town officers, whether elected or appointed, and to fill any vacancy so caused; said Trustees shall also have power to make such by-laws and ordinances, not inconsistent with the constitution and laws of the United States and of this State, as they may deem necessary; to prevent and remove nuisances; to prohibit disorderly conduct; to license, tax, and regulate all such business and employments as the public good may require and as may not be prevented by law, and fix the terms and price thereof; to grant permission for the laying of railroad tracks through the town and the running of cars, drawn by horses or steam thereon, and to regulate the same; to provide for the care and regulation of prisoners, for the employment of vagrants and prisoners

Power of  
Trustees.

upon the public streets and works of the town; to construct works necessary for supplying said town with water; to provide such means as they may deem necessary to protect said town from injury by fire; to levy and collect annually a tax on all property in said town, not exceeding one per cent. on the assessment valuation thereof; to impose and collect a poll tax, of not exceeding one dollar per annum on every male inhabitant of the town, twenty-one years of age and upwards; to impose and collect a tax, of not exceeding six dollars per annum, on the owner of every dog, owned and kept within the limits of the town, and to pass such other by-laws and ordinances for the regulation and police of said town, and for carrying into effect the foregoing powers, as they may deem necessary; but shall not have power to contract any debt or debts, which, singly or in the aggregate, shall exceed the sum of five hundred dollars, unless by the consent of a majority of the voters of said town voting at a special election, ordered for that purpose by said Trustees, and of which election notice shall be given, either by notices posted in at least five public places in said town, or published in a newspaper, if there be one in such town, for at least ten days prior thereto.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXCIII.—*An Act to amend certain sections of an Act entitled "An Act to provide for the location, construction, and maintenance of public roads in the County of Nevada," approved March twenty-first, eighteen hundred and seventy-two.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Duty of  
Road Com-  
missioners.

SECTION 1. Section two of said Act is hereby amended to read as follows: Section 2. The Supervisors of Nevada County shall be ex officio Road Commissioners in the several districts in which they are elected, whose duty it shall be to take general charge and supervision of all roads in said district. Each Commissioner shall, before entering upon the discharge of his duties, file with the County Clerk a bond in a sum not less than five thousand dollars, with not less than two sureties, conditioned for the faithful performance of his duties as such Road Commissioner, which bond shall be approved by the County Judge, and made payable to the people of the State of California.

Same.

SEC. 2. Section three of said Act is amended to read as follows: Section 3. It shall be the duty of each Commissioner, in his district, to take charge of and keep, or cause to be kept in good condition for travel, the roads used as public highways. He shall have power to cause the necessary work to be done upon the public roads, either by labor

employed by him for that purpose, and under his immediate supervision and direction, or may, if he deem it advisable, have such work performed under contract; *provided*, that if he shall conclude to have any such work done under contract, he must give notice thereof by publication in the newspaper having the contract for county advertising, or by posting notices in not less than five public places in the township where such work is required to be done, or by both such publication and posting of notices, inviting proposals for doing such work; such notice must specify the particular work required to be done, the place where, and the time when, such work must be completed; said publication, or posting of such notices, must be not less than ten days before the time appointed for awarding a contract for such work. At the time appointed the Road Commissioner shall open and examine all the proposals that shall be submitted, and must award the contract for such work to the person or persons making the lowest offer; *provided*, that if the Commissioner shall deem that all the proposals are too high, he may reject all the bids made, and may have said work or repairs done with labor and material procured under his direction. The Commissioner of each district is authorized to purchase all material and tools that may be necessary for working or making repairs upon the public roads or bridges in his district; he must keep an account of all such purchases, and must turn over to his successor in office all tools or materials in his hands, taking a receipt therefor. The Commissioner of each district is hereby authorized, by and with the consent of the contractors, to terminate, annul, and abrogate all existing contracts for keeping in repair or constructing public roads; *provided*, that the approval of the Board of Supervisors therefor shall first be obtained.

Duty of  
Road Com-  
missioners.

SEC. 3. Section four of said Act is hereby amended to read as follows: Section 4. The Road Commissioner shall, in all cases, require a bond from the contractor for any work contracted to be done under the provisions of this Act, in such sum as shall amount to at least double the sum named in the contract, with not less than two sureties, made payable to the people of the State of California, to be approved by such Road Commissioner; such bond shall be conditioned for the faithful performance of the contract, and must be filed with the County Clerk.

Bond of  
contractor.

SEC. 4. Section five of said Act is amended to read as follows: Section 5. Whenever a contract is let under the provisions of this Act, it shall be the duty of such contractor to diligently and faithfully perform and complete the work specified in such contract, in accordance with the terms and conditions thereof, and should any person or persons neglect or refuse to make the improvements, or keep in good repair any road or other work so contracted for, it shall be the duty of the Road Commissioner to notify such contractor to immediately do the required work according to the terms of his contract, and if he or they shall refuse or neglect to comply with said notice for five days after being so notified, then it shall be the duty of the Commissioner to have such work

Duty of  
contractor.

done in accordance with the specifications contained in said contract; and the cost of such work must be deducted from whatever sum may be due to such contractor on said contract, and if such amount shall not be sufficient, the deficiency may be recovered from such person or persons so neglecting or refusing, or from their sureties, as other debts of equal amount are recoverable by law, with costs of suit.

Duty of  
Commissioner.

SEC. 5. Section twelve of said Act is amended to read as follows: Section 12. The Road Commissioner shall keep a correct account of all sums due or claimed to be due to any and all contractors or persons, for work done on the public roads in his district, and of all certificates issued by him in favor of persons who have performed any work, or in favor of contractors, and also the number of days' service and the number of miles traveled by him in the performance of his duty, and of all sums expended by him in the improvement and repair of public roads in his district; and he shall report the same under oath, together with all transactions had incumbent on the office, in a quarterly report to the Board of Supervisors. Upon receiving and approving the quarterly report, which must be filed within three days after the first day of each regular term, the Board of Supervisors shall allow five dollars per day for each day necessarily occupied by the Commissioner of each district in the performance of his duty, and ten cents per mile for each mile necessarily traveled in the performance of said duty; *provided*, that no allowance shall be made to any Road Commissioner for more than three hundred dollars in any one year, per diem and mileage inclusive. The mileage herein provided shall be computed from the residence of the Road Commissioner; *provided*, that no mileage shall be allowed as Road Commissioner when mileage is drawn as a Supervisor.

SEC. 6. Section thirteen of said Act is hereby repealed.

Road poll  
tax.

SEC. 7. Section fourteen of said Act is amended to read as follows: Section 14. Every male resident of Nevada County, over twenty-one and under fifty years of age, shall be required to pay to the Collector, or his deputy, the sum of three dollars, in gold or silver coin of the United States, as a county road tax for the year in which said road tax shall be demanded, and shall be entitled to, and it is hereby made his duty, to demand from the Collector a printed road tax receipt, signed by the Auditor and countersigned by the said Collector, in return for and showing the amount so paid to such Collector; and any person, when so applied to, neglecting or refusing to pay such road tax, shall be considered as a delinquent, and shall be proceeded against as such, and the Collector shall proceed to collect from him the sum of three dollars, in gold or silver coin of the United States, in the manner and form as provided in section fifteen of this Act; *provided*, that any person who may elect to work three days upon the public roads, under the direction of the Road Commissioner, shall be entitled to a road tax receipt. The Tax Collector shall furnish the Commissioner of each district with a list of persons in his district so choosing to work, and said Commissioner shall notify such persons to appear

Delinquent.



and work upon the public roads, at such time and place as he shall designate or direct; and upon such person performing three days' labor to the satisfaction of such Commissioner, he shall give to such person an order on the Collector, who shall thereupon issue a tax receipt, and the Collector shall be entitled to the same fee as for collecting other road taxes, payable out of the District Road Fund of said district.

SEC. 8. Section twenty of said Act is hereby amended to read as follows: Section 20. If any person shall willfully obstruct any public highway, or any street or lane, by felling any tree across the same, or by placing any other obstruction therein, or by excavating or digging therein, or shall destroy any ford or crossing of any creek, gulch, river, or stream, of any character, by digging away the banks or by damming, deepening, or widening the same, or by filling up, or in any manner injuring or destroying any gutter, sewer, or culvert, constructed for the purpose of carrying away water from any road, he or they shall be adjudged guilty of a misdemeanor; *provided*, that if any person or persons shall wish to dig or construct any ditch crossing the public highway, street, or lane, for the purpose of conveying water for mining, mechanical, agricultural, or other necessary or useful purposes, they shall be permitted to dig or construct such ditch; in which case the owner or owners of such ditch shall construct, or cause to be constructed, and kept in good repair, at their own expense, good substantial bridges or crossings over such ditch. If the owner or owners of such ditch or ditches shall fail or neglect to construct and keep in good repair such bridges or crossings, he or they shall be adjudged guilty of a misdemeanor. It shall be the duty of the Road Commissioner of each district to immediately remove or cause to be removed all obstructions from any public highways, heretofore declared such, or that may be hereafter declared as a public highway. Any person or persons resisting or offering to resist the Commissioner, or any person or persons acting under his authority or direction in the removal of obstruction, shall be deemed guilty of a misdemeanor, which shall be punished as other misdemeanors are punished by law.

Misdemeanor.

Proviso.

Duty of Commissioner to remove obstructions.

Misdemeanor.

SEC. 9. Section twenty-three of said Act is amended to read as follows: Section 23. The Board of Supervisors shall have power to levy a property tax, which shall not exceed twenty-five cents on each one hundred dollars of real and personal property in the county for road purposes, to be levied and collected at the same time and in the same manner as other property taxes are levied and collected; and the property tax thus levied and collected shall be paid into the county treasury, for the benefit of the public roads of the county; and it is hereby made the duty of Tax Collectors, upon paying into the treasury the moneys so collected, to furnish to the Auditor and Treasurer of said county a statement showing the amount of such tax collected in each of the townships of said county; said Auditor and Treasurer shall thereupon apportion and place to the credit of the District Road Fund of each Commissioner's district the

Road tax.

respective amounts so collected in said district. All work done or repairs made upon the public roads in the several districts, or material or tools purchased therefor, shall be paid by warrants drawn against the particular District Road Fund in which said work was done; said amounts or claims to be first audited and allowed at a regular meeting of the Board of Supervisors; *provided*, that for the construction or repair of bridges that shall in their cost exceed the sum of one hundred dollars, such construction or repair shall be paid by warrants drawn against the General Road Fund; *provided*, that no warrants shall be audited or drawn against any District Road Fund, so as to make the outstanding warrants of said district in the aggregate exceed the money placed to the credit of such district over one thousand dollars; *and provided further*, that the Board of Supervisors may order such proportion of the cost of work and repairs in any district to be paid by warrants drawn upon the General Road Fund, as they in their judgment may deem proper.

Tax Collector.

SEC. 10. Section twenty-eight of said Act is amended to read as follows: Section 28. The County Assessor of Nevada County shall be Road Tax Collector, and shall collect the road poll tax of three dollars from each person, as in this Act provided, with power to appoint such number of deputies as he may require, and shall be entitled to receive ten per cent. upon all sums collected, as provided in section seventeen. The Assessor must file a bond, conditioned for the faithful discharge of his duties as Road Tax Collector, in the sum of five thousand dollars, with sufficient sureties; such bond to be approved by the County Judge, and filed with the County Clerk before entering upon the discharge of such duties. He must make a report to the Auditor on the first Monday of each month, verified by his oath, showing the amount of road poll taxes collected during the preceding month, and must pay such amount, less his fees for collecting the same, to the County Treasurer, taking his receipt therefor, and file a duplicate receipt with the Auditor; *provided*, that the Constables of the several townships, who were elected as such at the election in eighteen hundred and seventy-seven, and by reason of having received the highest number of votes were declared to be ex officio Road Poll Tax Collectors for the several townships, shall collect such tax for the two fiscal years commencing on the first Monday in March, eighteen hundred and seventy-eight, and ending on the first Monday in March, eighteen hundred and eighty, and that they receive ten per cent. upon all sums collected by them for their fees.

Bond.

Duty of Collector.

SEC. 11. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAP. CCXCIV.—*An Act to provide for the better collection of water-rates in the City of Sacramento.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Board of Trustees of the City of Sacramento, at the regular time for them to elect and appoint city officers in eighteen hundred and seventy-eight, and each three years thereafter, shall elect one competent person as Clerk of the Water-works of Sacramento, whose term of office shall be three years from the first Monday in April succeeding his election, and until his successor is elected and qualified, and whose duties shall be the same as those now prescribed by law or city ordinance, or that may be hereafter prescribed by law or city ordinance.

Appoint-  
ment of  
Clerk of  
Water-  
works.

SEC. 2. The Clerk of the Water-works of Sacramento, elected in pursuance of the provisions of this Act, shall receive a salary of fifteen hundred dollars per annum, payable as at present provided by law and city ordinance. He shall have the power to appoint one competent person as his deputy, who shall receive a salary of twelve hundred dollars per annum, payable as at present provided by law and city ordinance.

Salary of  
Clerk.

SEC. 3. This Act shall take effect from and after its passage, and all Acts and parts of Acts inconsistent herewith are hereby repealed.

CHAP. CCXCV.—*An Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Board of Trustees of the Town of Colusa are hereby authorized and empowered to issue, under the conditions hereinafter provided, bonds of the town to such amount as to them may seem proper, not to exceed twenty thousand dollars, bearing interest at the rate of eight per cent. per annum; the said bonds to be for sums not less than one hundred nor more than five hundred dollars, and shall be signed by the President of the Board, and countersigned by the Town Secretary.

Issuance  
of bonds.

SEC. 2. Said bonds shall be due and payable in gold coin at the office of the Town Treasurer on the first day of January, eighteen hundred and ninety-nine; *provided*, that the Board of Trustees shall have power to redeem said bonds in the manner and at such times as shall be hereinafter provided.

When  
payable.

The interest on said bonds shall be due and payable at said Treasurer's office in like gold coin on the first day of January and July of each year.

Interest  
coupons.

SEC. 3. Coupons for the interest shall be attached to each bond, so that they may be removed without mutilation to the bond, and shall be signed in the same manner as the bonds are required to be signed. Said coupons shall each express the amount of interest due, and where and when payable. When any interest shall be paid on a bond issued under the provisions of this Act, the coupon for the interest then due and paid shall be detached and delivered to the Town Treasurer, and the Treasurer shall deliver the same to the Secretary, taking his receipt therefor, and the Secretary shall file the same in his office.

SEC. 4. Said bonds shall bear the date of their issuance, and the said coupons shall be for the interest from such date up to the first day of January, eighteen hundred and seventy-nine.

Interest tax.

SEC. 5. For the purpose of paying the interest on said bonds the Board of Trustees of said town shall, at the time of levying town taxes for each year, levy a special tax on all real and personal property in said town, which shall, taking the assessment of the preceding year as a basis, and deducting fifteen per cent. for delinquencies, be sufficient to pay the interest on all the bonds then outstanding. The said tax shall be assessed and collected the same as the other town taxes, and shall be paid into the town treasury, and shall be by the Treasurer set apart as a special fund, to be known as The Road Bond Interest Fund, and he shall pay out of said fund all coupons as the same shall fall due.

SEC. 6. If the special tax authorized by section five shall not produce a sufficient amount to pay all the interest due in any one year on said bonds, the Town Treasurer shall pay the same out of the General Fund of the town, and it is hereby made the duty of the said Treasurer to see that there shall be enough to pay said interest before he shall pay all the money out of the said General Fund on any account. If more than enough to pay said interest shall be provided by said special tax, then the Treasurer shall transfer the balance to the credit of the General Fund.

Redemption  
of bonds.

SEC. 7. In the year eighteen hundred and eighty-three, and each year thereafter up to and including the year eighteen hundred and eighty-eight, the Board of Trustees of said town shall levy and cause to be collected a tax sufficient to pay five per cent. of the whole issue of bonds, and in the year eighteen hundred and eighty-nine, and annually thereafter until the said bonds shall be paid, the Board of Trustees shall levy, and cause to be collected, a tax sufficient to pay ten per cent. of the whole amount of bonds then remaining unpaid; *provided*, that, after said bonds shall have been issued ten years, the Board of Trustees may, if they deem it expedient, make provision for the more speedy redemption of said bonds. All taxes levied and collected under the provisions of this section shall be paid into the town treasury,

and shall be by the Treasurer set apart into a fund to be known as the Road Bond Redemption Fund.

SEC. 8. Whenever there shall be five hundred dollars or over in said Redemption Fund, the Treasurer shall cause a notice to be issued once a week for four weeks in some paper printed in the town that he is prepared to redeem bonds to a certain amount, specifying said amount. And on the day specified in the notice the Treasurer shall, in the presence of a quorum of the Board of Trustees, open all the proposals for the surrender of bonds, and he shall proceed to redeem such bonds as may be offered at the lowest figure; *provided*, that no bid above the par value shall be accepted. If no bids shall be put in at par or less, or if a sufficient amount shall not be offered to absorb all the money in the said Redemption Fund, then the bonds shall become due and payable in the order in which they were issued, and the Treasurer shall give notice in the manner provided above that certain bonds, describing them, are due and payable, and the interest thereon shall cease from the date of the notice.

SEC. 9. The Board of Trustees of said town may sell any of the bonds authorized by this Act, after having published a notice for thirty days in one paper printed in Colusa and one paper printed in San Francisco, inviting proposals for the purchase of the same upon a day to be named in said notices. The Board shall meet to consider said proposals, and they shall deliver the bonds, with the coupons attached, to the person or persons bidding the highest therefor in gold coin; *provided*, that the Board may have power to reject all bids. Sale of bonds.

SEC. 10. All moneys derived from sale of said bonds shall be paid into the town treasury, and shall be set apart as a special fund, to be known as the Town Road Fund, and shall be drawn therefrom, by order of the Board of Trustees, for the purposes hereinafter mentioned.

SEC. 11. The Board of Trustees shall appoint three citizens of said town, who shall constitute a Board of Road Commissioners for the purposes herein specified. The Road Commissioners shall examine all the roads leading into said Town of Colusa, for a distance of eight miles, and shall determine what work is necessary to be done for the best interest of said town, and they shall cause plans and specifications to be made for such work. The Commissioners may have work done by contract by the lowest bidder or by the day's work, as they may deem best, and on the certificate of the Commissioners of work performed to their satisfaction, the Board of Trustees shall order the contract price paid for the same out of the Town Road Fund. The Road Commissioners shall receive no salary. Road Commissioners appointed, and duties of.

SEC. 12. At the election for town officers, on the first Monday in May, eighteen hundred and seventy-eight, the question of issuing said bonds shall be submitted to the qualified voters of the town. The tickets shall contain the words "Road Bonds—Yes," or "Road Bonds—No." If it shall be found that a majority have voted in favor of issuing, Question to be submitted to people.

said bonds, then the Trustees may issue such amount, not exceeding the limit herein contained, as the Road Commissioners may estimate the necessary work to cost. If the vote shall be against issuing bonds, then no bonds shall be issued.

SEC. 13. The Town Secretary and the Treasurer shall each keep an account of the money received and disbursed under the provisions of this Act.

SEC. 14. This Act shall take effect and be in force from and after its passage.

CHAP. CCXCVI.—*An Act to empower and direct the Board of Supervisors of the City and County of San Francisco to build a draw-bridge over Channel Street, at the intersection of Sixth Street.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Construc-  
tion of  
bridge  
authorized.

SECTION 1. It is hereby made the duty of the Board of Supervisors of said City and County of San Francisco, within one year from the passage of this Act, to construct a bridge across Channel Street of said city, at the intersection of Sixth Street, of said City and County of San Francisco, and that said bridge shall be constructed with a draw, and shall be made of such dimensions and material as to said Board of Supervisors shall seem best, at a cost not to exceed seven thousand dollars, and that said bridge be a free public bridge, and suitable for the accommodation of the traveling public.

SEC. 2. The Board of Supervisors of said city and county are hereby authorized and directed to order paid from the General Fund of said city and county all the cost of the construction of said bridge, and it is hereby made the duty of the Auditor of said city and county to audit all such demands for the construction of said bridge, and of the City and County of San Francisco to pay the same.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCXCVII.—*An Act to amend an Act to regulate the traveling fees of the Sheriff of the Counties of Inyo and Alpine, and of the Constables within said counties.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Fees of  
Sheriff.

SECTION 1. In the Counties of Alpine, Inyo, and Mono, the Sheriff shall receive for traveling the fees hereinafter

specified: For traveling, to be computed in all cases from the Court-house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, motion, rule, order, subpoena, attachment on property, to levy an execution or other order of sale, to execute an order for the delivery of personal property or writ of restitution, to hold an inquest on trial of the rights of property, or in executing a writ of habeas corpus, for each mile necessarily traveled, in going only, forty cents; *provided*, that if any two or more papers required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged to the most distant points to complete such service. For every mile necessarily traveled, in going only, in executing any warrant of arrest, subpoena, or venire, bringing up a prisoner on habeas corpus, taking prisoners before a Magistrate or to prison, or for mileage in any criminal case or proceeding, forty cents; *provided*, that in serving a subpoena or venire, when two or more witnesses or jurors reside in the same direction but one mileage shall be charged.

SEC. 2. Section two is hereby amended so as to read as follows: Section 2. In said Counties of Alpine, Inyo, and Mono, the traveling fees of Constables, to be computed in all cases from the Justice's office, shall be forty cents per mile for each mile necessarily traveled, in going only; for serving any summons, writ, warrant, or other paper issued out of a Justice's Court, either in a civil or criminal action or proceeding; *provided*, that if any two or more papers required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service; *provided*, that in serving a subpoena or venire when two or more witnesses or jurors reside in the same direction but one mileage shall be charged.

SEC. 3. Section three is hereby amended so as to read as follows: Section 3. All Acts and parts of Acts, so far as they relate to the Counties of Alpine, Inyo, and Mono, in conflict with the provisions of this Act, are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

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CHAP. CCXCVIII.—[See volume of *Amendments to the Codes*.]

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CHAP. CCXCIX.—[See volume of *Amendments to the Codes*.]

CHAP. CCC.—*An Act to provide for and regulate irrigation in the Township of Los Nietos, in the County of Los Angeles.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Irrigation  
district  
constituted.

SECTION 1. The Township of Los Nietos shall constitute one irrigation district, and for the purposes of this Act be known as Los Nietos Irrigation District.

Govern-  
ment.

SEC. 2. There shall be in said Los Nietos Irrigation District a Board of Water Commissioners consisting of three members, one Overseer of Water, all of whom shall be elected or appointed, and shall qualify as hereinafter provided.

Appoint-  
ment of  
Commis-  
sioners and  
Overseer.

SEC. 3. It shall be the duty of the Board of Supervisors of the County of Los Angeles, upon the filing of a petition signed by thirty or more of the irrigators of said Los Nietos Township, to appoint three persons, resident irrigators of said district, who shall act and constitute a Board of Irrigation Commissioners, and also, upon petition as is required for the appointment of Commissioners, appoint an Overseer of Water, who shall be a resident of said district. The Board of Supervisors shall cause to be issued to each person appointed a certificate of his appointment. All officers so appointed shall, within ten days after receiving certificates of appointment, take the usual oath of office, to be indorsed on said certificate of appointment and filed in the office of the Clerk of the County Court of the said county. Said Commissioners and Overseer so appointed shall hold office until their successors are elected and qualified, which election shall be at the general election every two years thereafter. The Commissioners appointed in compliance with the provisions of the last section shall meet within fifteen days after their appointment and qualification and elect one of their number as President, and one Treasurer, and one Clerk, after which time they shall be known as the Board of Water Commissioners of Los Nietos Township, Los Angeles County. Said Commissioners, before entering upon the discharge of their duties, shall each make and execute to the people of the State a good and sufficient bond in the sum of one thousand dollars, conditioned for the faithful performance of their duties.

Officers to  
give bond.

SEC. 4. The Overseer of Water and the Treasurer shall each, before taking charge of their several offices, make and execute to the Los Nietos Irrigation District a good and sufficient bond, in the sum of two thousand dollars, with two or more sureties, conditioned for the faithful performance of their duties as such officers, said bond to be approved by the County Judge of the county and filed with the Clerk of the County Court of said county, all of which shall be done within ten days after the organization of said Board.

SEC. 5. It shall be the duty of the Board of Supervisors of the said County of Los Angeles, whenever they issue their



proclamation for the election for county and township officers for said county, to insert in their said proclamation an order for the election of three Commissioners and one Overseer of Water, for said water district, and said election of said Commissioners and Overseer of Water shall be voted for at the same time and places and in all respects as township officers.

SEC. 6. As soon as the Commissioners are appointed or elected and qualified as in this Act provided, they shall proceed to take possession of and control of all the water-courses, ditches, dams, aqueducts, flumes, reservoirs, and irrigating structures and works in said district (except such as are owned by private parties, or by companies or corporations legally organized under the laws of this State), and shall determine the amount of water which shall be given and used as an irrigating head, and cause the same to be measured and issued to the irrigators; to use all means necessary to cause the water of said district to be utilized to the best interest of the irrigators. The Board of Commissioners shall have power to receive conveyances for rights of way for ditches or dams, reservoirs, and canals, and shall have power to maintain an action for the condemnation of an easement or right of way for any ditch, etc., over any lands in the district in the same manner as is now or may hereafter be provided by law for the condemnation of rights of way for public roads when, in their judgment, the necessity of the district, for the benefit of irrigation, requires it.

Duty of Commissioners.

SEC. 7. Cause to be made out in alphabetical form, and entered of record, a list of all the irrigators in the district, the amount of land each desire to irrigate, and the number of acres heretofore irrigated; make and declare such rules and regulations as may be just in regard to the time of irrigation, and the number of times required for the proper assurance of a crop, and for the purposes of determining the necessity of any second, third, or fourth irrigation of any one crop may visit and examine the said crop; hear and determine as a Board of Arbitrators all differences arising between irrigators and the Overseer of Water, or between irrigators, when submitted to them; order the distribution of the water to those entitled by the Overseer, beginning nearest the head or main source of the ditch, and thence to the next, and so on throughout the district; *provided*, that the supply of water is sufficient to water the entire district within thirty days; and in case the supply is insufficient, then the Board must determine the amount of water and the time to be used, so as to insure a crop to the greater number, and not allow the water to be wasted by wetting long ditches or the watering of stock. When the water is turned in at the head of the main ditch, persons on the side ditches must receive the same by some representative of the side ditch selected by the irrigators of the said side ditch, from the Overseer, and notice in writing of the time each irrigator on said side ditch is entitled to use the same; and when the water is so turned in to a side ditch, any person using the water from said side ditch who neglects or refuses to use

Same.

the water shall be precluded from the use of the water until the next regular time when the water is so again turned on. No person shall be entitled or allowed to sell his run of water off of his side ditch, or to exchange runs of water off of the side ditch to which it belongs, and all persons using water from the main ditch must use the same on his turn, and in case he or they neglect or refuse to use the same at the time designated, he or they shall lose his or their run of water for that time, and shall in no case be allowed to exchange or sell his or their run of water to be taken out below the next side ditch below him or them, nor above the first side ditch above him or them.

Duty of  
Overseer.

SEC. 8. It shall be the duty of the Overseer of Water to take charge of and manage all the waters, dams, ditches, reservoirs, and aqueducts, and works of the company, and carry out generally the orders of the Board of Commissioners; and may appoint one or more deputies, subject to the approval of the Board of Irrigators; shall cause all the waters under the control of the Commissioners to be properly distributed into the side ditches and to those using the water from the main ditch, but shall not turn water into any side ditch until it is fully repaired and clear of filth, and with sufficient capacity to carry the water without waste; to see that all the ditches and works of the district are kept in good repair and clear of filth. He shall prepare and keep a book, in which he shall keep a correct account between the district and the irrigators, in debit and credit form. He shall collect all moneys arising from the sale of water or any other source; he shall pay over the same to the Treasurer of the district once every month and take his receipt for the same, and file the same with the Clerk of the district. He shall be a conservator of the peace so far as any breach of the same may occur under his jurisdiction. In the discharge of his duties under the provisions of this Act, he shall have power, either with or without process, to arrest any person or persons for unlawful interference with any of the waters or works of the district, and take him or them before any Magistrate of the township, to be dealt with according to law.

Duty of  
Treasurer.

SEC. 9. It shall be the duty of the Treasurer of said district to receive and receipt for and safely keep any and all moneys paid to him belonging to the district; keep an account of the same in a book to be kept for that purpose; pay the same out on the presentation of warrants signed by the Board of Commissioners, or a majority of them, and attested by the Clerk of the Board; note on the face of each warrant paid and date of payment; file and keep the same as vouchers; make an appropriate entry of the same; present an account current, accompanied by vouchers, to the Board quarterly.

Sessions of  
Board.

SEC. 10. Regular sessions of the Board of Irrigation shall be held on the first Monday in each month at Downey City, and may adjourn from day to day, as in their judgment the necessity requires, and may call special meetings at any time by the order of the President. All moneys paid into the

treasury shall be paid into a general fund and used for the payment of any debts or claims against the district. All claims against the district shall be audited and allowed by the Board of Commissioners, and shall be recorded and numbered consecutively by the Clerk of the Board, and the nature of the claim.

SEC. 11. Each and every person entitled to water of the district and who desires to use the same for irrigating or manufacturer's purposes, shall be required, after notice from the Overseer, of not less than three days' verbal notice, or by written notice left at his or her place of residence, perform or cause to be performed one day's work for each five acres of land desiring to irrigate, or if less than five acres, then in the same proportion as one is to five; or if the water is desired for manufacturing purposes, one day's work shall be required for every ten days use of water; *provided*, that any person not desiring to work may commute by paying to the Overseer one dollar and fifty cents at the time the work is demanded or required to be performed; *and provided further*, that no person shall be entitled to the use of any water for either irrigation or manufacturing purposes unless he or they either work or cause the work to be done at the time and place required by the Overseer, or that he or they have commuted in money; *provided*, that no person shall be required to do any work, or pay any money for work done or to be done, below where he gets his or their water from the ditch.

Require-  
ments  
necessary  
for use of  
water.

SEC. 12. Eight hours shall be the time for a day's work under the provisions of this Act, and any person idling away his time when doing work under this Act shall be charged at the rate of twenty-five cents per hour by the Overseer, and the same to be deducted from his time. And any person furnishing substitutes to work on the ditch must furnish able-bodied men, or they shall be rejected by the Overseer.

Day's work  
defined.

SEC. 13. Any person or persons obstructing the waters of any ditch, flume, or aqueduct, by dam or otherwise, causing the same to overflow or waste, or who shall put, or cause to be put, any filth in any ditch, flume, aqueduct, or reservoir, or by cutting the same or taking the water therefrom without authority or the consent of the Overseer, his deputies, or the Board of Commissioners, shall be deemed guilty of misdemeanor, and, upon conviction by any tribunal of competent jurisdiction, shall be punished by fine of not less than fifty nor more than five hundred dollars, or imprisonment in the County Jail for not more than ninety days, or by both fine and imprisonment, at the discretion of the Court; and the judgment of the Court shall be that in case the fine is not paid immediately, the defendant shall be committed to the County Jail until the fine is liquidated at the rate of one dollar per day.

Misd-  
meanor.

SEC. 14. This Act shall not be so construed as to deprive any man of a vested right of property.

SEC. 15. In case any person shall be damaged by the breaking of any ditch, dam, aqueduct, or reservoir under the management and control of said Board of Commissioners,

Commis-  
sioners  
liable for  
damages.

said district shall be liable for said damages; *provided*, that the district shall not be liable for any damage caused by the breaking of any of the works of the district caused by the Stock Act, or negligence of the party damaged.

SEC. 16. The Board of Commissioners shall have power to levy a tax on the lands irrigated in said district, not to exceed ten cents per acre in any one year, whenever in their judgment it becomes necessary for the interest of the district.

Vacancy;  
how filled.

SEC. 17. Whenever a vacancy occurs in the office of any of the officers under the provisions of this Act, such vacancy shall be filled by appointment by the members of the Board remaining in office; *provided*, that a vacancy of two members of the Board at the same time the vacancies shall be filled by the Board of Supervisors, upon petition, as is required in the first instant.

Compensa-  
tion of  
officers.

SEC. 18. Each member of the Board of Commissioners shall receive for his services as such officer a reasonable compensation for his services, not to exceed three dollars per day for each day actually employed in the discharge of the duties of his office.

SEC. 19. The Overseer of Water shall receive for his services not to exceed three dollars per day for his services, for each day actually employed in the discharge of his duties. Each deputy shall receive a reasonable compensation for his services.

SEC. 20. The Clerk of the Board shall receive one dollar per day extra of his pay as Commissioner for such clerical service.

SEC. 21. The Treasurer shall receive four per cent. on all moneys of the district committed to his care and keeping.

SEC. 22. All necessary books, stationery, etc., for the officers of the district, necessary for the use of the offices and officers of the district, shall be a charge upon and paid by the district.

Right given  
to other  
townships.

SEC. 23. The irrigators of any other township or district within the County of Los Angeles desiring to avail themselves of the provisions of this Act, may, by petition to the Board of Supervisors, signed by a majority of the irrigators of the said township or district, be, by an order of the said Board of Supervisors, spread upon the minutes of said Board, declare the said township or district to be an irrigating district, and shall appoint three persons to act as Commissioners, and one Overseer, as is required in section three of this Act. And said Board of Commissioners and Overseer shall qualify and in all respects be governed and controlled as in this Act provided, and any and all water districts formed under this section shall be governed and controlled in all respects, receive all the benefits, and be amenable to all the penalties of this Act.

SEC. 24. All Acts and parts of Acts heretofore passed on the subject of irrigation, so far as they relate to Los Nietos Township, is hereby repealed.

SEC. 25. This Act shall take effect from and after its passage.

CHAP. CCCI.—*An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm, in the County of Los Angeles, to build and establish a County Alms-house and Hospital thereon, and to issue bonds for the payment of the same.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. For the purpose of providing means for the purchase of a tract or tracts of land in the County of Los Angeles, and the erection thereon of buildings suitable for a County Hospital and Alms-house, the Board of Supervisors of Los Angeles County are hereby authorized and empowered to prepare suitable bonds of said county, in an amount not to exceed twenty-five thousand dollars, to be denominated on their face, "The Los Angeles County Hospital Bonds," of the denomination of five hundred dollars each, gold coin of the United States, bearing interest at the rate of seven per cent. per annum from the date of their issue, in like gold coin, payable at the office of the County Treasurer of Los Angeles County, upon the first day of January each year, and the principal sum thereof payable at said County Treasurer's office, in the City of Los Angeles, upon the first day of January, A. D. eighteen hundred and ninety. Said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the County Treasurer and County Auditor, and shall have the seal of the said Auditor stamped thereon, and shall have coupons attached; the first for the interest from the date of their issue for the term ending on the last day of December following, and the remainder for one year's interest each thereafter; to be consecutively numbered and attached thereto so as to be removed without injury or mutilation to the bonds, which coupons shall be signed by the County Treasurer.

Issuance  
of bonds  
authorized.

SEC. 2. It shall be the duty of the Chairman of the Board of Supervisors, the County Auditor, and the County Treasurer of said county, each to keep a separate record of all bonds signed by them, which bonds shall remain with the County Treasurer.

Duty of  
officers.

SEC. 3. The bonds issued in pursuance of this Act shall in no case exceed the sum of twenty-five thousand dollars, and shall be given and received exclusively in payment for the purchase of the aforesaid farm and the erection thereon of suitable buildings for a County Hospital and Alms-house; *provided, however*, that if in the judgment of the Board of Supervisors it shall be deemed for the best interest of the county, they may sell any or all of said bonds at such time as they may deem proper after having published a notice for thirty days in one newspaper published in said County of Los Angeles and one newspaper published in the City of San Francisco, inviting proposals for the purchase of the same upon a day to be named in said notice. The Board shall meet to consider said proposals, and they shall deliver

Issuance  
of bonds  
limited.

said bonds, with the coupons attached, to the person or persons bidding the highest therefor, in gold coin of the United States; *provided*, that said Board of Supervisors shall have power to reject any and all bids.

Tax levied

SEC. 4. For the payment of the principal and interest of the bonds issued in pursuance of this Act, there shall, until the same is paid and discharged, be annually levied and collected as is or may be provided by law for the collection of State and county taxes a special tax, not exceeding three cents on each one hundred dollars of the aforesaid value of the real and personal property in said county, and the fund derived from this tax shall be set aside and applied exclusively to the payment of the interest and the final redemption of the bonds issued in pursuance of this Act, and shall be known by the name of the Los Angeles Hospital, Interest, and Sinking Fund.

Redemption  
of bonds.

SEC. 5. Whenever, on the first day of February in any year, after the payment of interest as herein provided for, there shall remain in the said Los Angeles Hospital, Interest, and Sinking Fund as surplus exceeding one thousand dollars, it shall be the duty of the County Treasurer of said county to advertise for one month in a newspaper printed and published in said county for sealed proposals, to be opened one week after the expiration of said publication, by the Treasurer at his office, in the presence of the Chairman of the Board of Supervisors and the County Auditor of said county, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money the Treasurer has on hand for the purpose of redemption, and shall require said proposals to be accompanied with good and sufficient security that the same shall be carried out within fifteen days after acceptance; the class and form of which security may be prescribed by the County Treasurer; when such proposals are opened they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds until the cash on hand for redemption is exhausted.

Duty of  
Auditor.

SEC. 6. Immediately after any bonds shall have been redeemed as herein provided, it shall be the duty of the County Auditor to take the number of said bonds so redeemed, to whom issued and when redeemed, and to make a record of the same in his office, and for that purpose the County Treasurer shall upon demand exhibit said bonds to him and shall permit him to deface the same in such manner that neither they nor their coupons can again be put in circulation.

Location of  
Hospital,  
etc.

SEC. 7. If the Hospital and Alms-house are located together, the location shall be in the City of Los Angeles. The Board of Supervisors may, however, separate the location of the Hospital and Alms-house, in which event the Hospital shall be located in the City of Los Angeles, and the Alms-house either in the city or elsewhere in the county.

SEC. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 9. This Act shall take effect from and after its passage.

CHAP. CCCII. —*An Act to authorize the Board of Supervisors of Marin County to levy a special tax, and to appropriate the moneys collected thereunder to the construction of a wagon road in said county, and to transfer certain funds.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Marin County, at the time and in the manner provided by law for levying the annual taxes for county purposes, and in addition to the tax which said Board are already authorized to levy, are hereby empowered for the fiscal years eighteen hundred and seventy-eight and eighteen hundred and seventy-nine, eighteen hundred and seventy-nine and eighteen hundred and eighty, eighteen hundred and eighty and eighteen hundred and eighty-one, to levy an annual property tax of five cents on each one hundred dollars in value of taxable property in Marin County, which said property tax shall be annually assessed and collected at the same time, and in the same manner, and by the same officers as other State and county taxes are levied, and assessed, and collected, and when so collected, shall be paid into the county treasury, and set apart as and for the "Bolinas Bay and Fairfax Road Fund."

Special tax authorized to be levied.

SEC. 2. Said Board of Supervisors are hereby authorized to use the moneys that may accumulate in the Bolinas Bay and Fairfax Road Fund in procuring a right of way for and in the construction of a wagon road leading between Bolinas Bay and the county road at or near Fairfax Station; such road may be constructed on the line as heretofore surveyed by Hiram Austin, County Survey[or] of Marin County, or upon such other line or route as by said Board may be selected, and to the end of a speedy and economical completion of said wagon road. The Board of Supervisors are hereby authorized to draw warrants against said Bolinas Bay and Fairfax Road Fund, and to concert, agree, and contract for a right of way for, and to construct, cause to be constructed, or contract for the construction of said road, at such times and upon such terms and conditions as said Board shall deem for the best interest of Marin County; *provided*, that no greater sum of money shall be expended in the construction of said road than is derivable under the provisions of this bill; *and provided further*, that all contracts shall be let to the lowest responsible bidder, and after full and general public notice of the time, place, and terms of the letting such contract or contracts.

Board authorized to use moneys

SEC. 3. It shall not be compulsory upon the Board of Supervisors to contract for, or cause to be constructed, said

Board to use option.

road; on the contrary, said Board may decline to act in whole or in part under the provisions of this bill, if, after inquiry and investigation, the Board of Supervisors shall adjudge the cost of constructing said road to be in excess of the value and benefits to Marin County, and in case of failure to construct said road, all moneys which may come into the Bolinas Bay and Fairfax Road Fund shall be transferred to the General Fund of Marin County.

Transfer of  
moneys.

SEC. 4. The said Board of Supervisors are hereby authorized, at any time after the passage of this Act, to order the Treasurer of Marin County to transfer the money now in Road Fund Number Four, of said county, for the purposes of and to establish said fund to be known as the Bolinas Bay and Fairfax Road Fund; and the said Treasurer shall, upon the order of said Board of Supervisors, transfer the said money upon his books, and it shall be the duty of said Board of Supervisors to provide by order for the repayment of the sum of money so transferred from any money collected under the provisions of this bill, or from the General County Fund, whenever such moneys are required for actual payment under the provisions of the law creating said Road Fund Number Four.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCIII.—*An Act to amend an Act entitled "An Act to provide for the completion of the building in the City and County of San Francisco known as the new City Hall," approved March twenty-fourth, eighteen hundred and seventy-six.*

§ [Approved March 20, 1873.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Salary of  
certain  
officers.

SECTION 1. Section eight of said Act is hereby amended so as to read as follows: Section 8. The salary of each Commissioner shall be one hundred dollars per month; the salary of the Secretary shall be two hundred dollars per month; the salary of the Architect shall be two hundred and fifty dollars per month; the salary of the Superintendent shall be two hundred and fifty dollars per month. The salaries herein provided shall be in full compensation for all services rendered under this Act, and no other or greater compensation shall at any time be allowed or paid to either of the officers herein named.

SEC. 2. This Act shall take effect from and after its passage.



CHAP. CCCIV.—*An Act to promote the sanitary condition of towns and villages in Fresno County.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. It is unlawful for any person, being a resident within any town or village, incorporated or unincorporated, which contains ten or more dwellings, to have or allow on his, her, or their premises, or permit to accumulate upon the half of any street or alley contiguous thereto, any filth or rubbish, or have any deposit of excrement or other filth upon either, or to permit such premises to become in any manner filthy or in an unhealthy condition. Unlawful act defined.

SEC. 2. Upon the application of any resident of any such town or village, if unincorporated, the Board of Supervisors of the county wherein the same is situate shall define and place of record in their minutes the limits and boundaries thereof; said Board shall appoint one of the Constables of the township wherein such town or village is situate, and notify him of his appointment, to carry out the provisions of this Act as hereinafter specified. Duty of Board

SEC. 3. It is the duty of such Constable, when so appointed, to inspect the premises of every street, alley, or vacant lot within the limits of the town or village for which he is appointed at least twice during each month, upon the first and third Mondays thereof, and in case that he find that any premises, or the half of any streets or alleys contiguous thereto, have upon them any filth or rubbish, or any deposit of excrement or other filth, he shall give written notice to the owner or occupant of such premises to remove the same; and in case the same be not removed within three days thereafter, he shall cause it to be done and such premises thoroughly cleansed in the manner directed by the Health Officer of the county, if there be one, at the expense of the owner or occupant, including his fee of two dollars for each premises so cleansed by him; and it is the duty of such Health Officer to give written directions to such Constable as to how he shall cleanse premises, and such Health Officer shall at the request of any citizen examine any premises and require such Constable to cleanse the same and see that such cleansing is properly and efficiently done. Duty of Constable.

SEC. 4. If said expenses and fee be not paid on presentation of his itemized account therefor, the Constable may maintain action therefor, including a reasonable attorney's fee, to be fixed by the Court; and from the execution in such action no property of the defendant shall be exempt. May maintain action

SEC. 5. If the Constable cannot find the owner or occupant of any premises within the limits of the town for personal service of the notice hereinbefore mentioned, such notice may be served by posting the same upon some conspicuous place on such premises.

SEC. 6. For every failure or refusal of the Constable or

Penalty for  
failure of  
duty.

Health Officer to perform any of their duties under this Act, they shall respectively forfeit fifty dollars, to be recovered by action, one-half to be paid to any person bringing such action, and the other half into the County Indigent Sick Fund. The sureties of the Constable shall be liable for such penalty, but the Health Officer shall not, in the performance of his duties, be required to go beyond the limits of the town wherein he resides.

SEC. 7. This Act shall take effect immediately, and shall apply only to the County of Fresno.

CHAP. CCCV.—*An Act authorizing the Board of Supervisors of the County of Mono to issue bonds for the construction of a wagon road from Antelope Valley to the Town of Benton, in said county.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Sale of  
bonds.

SECTION 1. The Board of Supervisors of the County of Mono are hereby authorized to issue and sell the bonds of said county, not exceeding in the aggregate twenty thousand dollars, payable on the first Monday of March, one thousand eight hundred and eighty-eight, in gold coin of the United States, and to bear interest at the rate of ten per cent. per annum, payable annually in gold coin on the first Monday of March. Said bonds shall be issued in denominations of fifty and one hundred dollars each, and numbered from one upward, consecutively, one-half of the whole amount to be in each of said denominations, and shall be signed by the Chairman of the Board of Supervisors, the County Auditor, and the County Treasurer of said county. Coupons for the interest shall be attached to each bond and signed by the Chairman of the Board of Supervisors and the County Treasurer.

Denomina-  
tion.

Duty of  
Auditor.

SEC. 2. The County Auditor shall keep an accurate account of the number and amount of each bond, and shall make out a list of the said bonds, giving the number and amount of each, and deliver a certified copy thereof to the County Treasurer, retaining the original on file in his office. The County Treasurer shall keep the said copy on file in his office.

SEC. 3. The bonds and coupons shall be payable at the office of the County Treasurer, and when any coupons are paid they shall be canceled by the said Treasurer and filed with the County Auditor, and both Treasurer and Auditor shall keep an accurate account of the coupons redeemed.

SEC. 4. Said coupons shall bear the date of their issuance, and the first coupons shall be for the interest from said date up to the first Monday of March next succeeding, and each

of the others shall be for the interest for one year, payable on the first Monday of March.

SEC. 5. For the purpose of paying the interest on said bonds, the Board of Supervisors of said Mono County shall, at the time of levying the county taxes for each year, levy a special tax on all property in said county, sufficient to pay the interest on said bonds for one year on all bonds then outstanding, except on coupons No. one, and that shall be for an amount sufficient to pay the interest from the date thereof until the first Monday of March next succeeding. The special tax thus levied shall be assessed and collected as the other State and county taxes are assessed and collected, and the money arising from said tax shall be set apart as a "special fund," to be known as the "Road Bond Interest Fund," and out of said fund the coupons on said bonds shall be paid as they fall due. Interest tax.

SEC. 6. If the amount collected from said special tax shall exceed the sum due on the said coupons on the first Monday of March of each year, then the Board of Supervisors shall transfer such surplus to the County General Fund.

SEC. 7. In and for the year one thousand eight hundred and eighty-two, and annually thereafter, in addition to the interest tax, there shall be levied an amount sufficient to pay twenty per cent. of the bonds issued under and by virtue of this Act, until the whole amount of said bonds are paid. The Board of Supervisors shall make the said levy, and the same shall be collected as other State and county taxes are collected; and when collected shall be set apart as a special fund for the payment of said bonds, and shall be known as the "Road Bond Redemption Fund." Redemption tax.

SEC. 8. On the first Monday of March, one thousand eight hundred and eighty-three, and each year thereafter until all the bonds are paid, the Treasurer of the county shall make out a statement of the amount of money in the Road Bond Redemption Fund of the county, and shall advertise, according to number; the said amount in some newspaper published in the county, for four consecutive weeks, or if there is no newspaper published in said county, then by posting notices in three public places within said county, notifying the holders of said bonds to present them for payment according to numbers, commencing at No. one and giving the highest number to be paid, until the money in the fund is paid out; and each succeeding year commencing at the lowest number unpaid, until all the bonds are paid. Redemption of bonds.

SEC. 9. All bonds not presented for payment within thirty days after the notice is completed by the Treasurer, shall cease to bear interest from the date such notice is completed, and all unpaid coupons shall be delivered up with the bonds at presentation of the same for payment, and if not so delivered up shall be void and worthless, unless due and unpaid before notice was given.

SEC. 10. The Board of Supervisors shall have power to sell the bonds issued under the provisions of this Act for Power of Board.

gold coin of the United States; *provided*, that in no case shall they be sold at more than ten per cent. discount on par value; and the money received on the sale of said bonds shall be deposited with the Treasurer of the county, and his receipt therefor deposited with the Auditor, who shall charge the same as other moneys are charged, and the money shall then be used for the purpose of constructing a wagon road from Antelope Valley, in said county, up the West Walker River, to the intersection of the same with the Sonora and Mono wagon road, and from thence to the place known as Big Meadows, and from thence to the Town of Benton, in said Mono County; and in no case shall the money be used for any other purpose. The County Treasurer and County Auditor shall receive a commission of one per cent. for disbursing the said money, to be divided equally between them.

Power of  
Board.

SEC. 11. The Board of Supervisors shall have power to construct the said road by surveying and locating the same, and they shall advertise for bids on sections of such survey, according to specifications which shall be filed with the Clerk of said county. Such advertisement shall be published in some newspaper published in said county for four successive weeks prior to the letting of said contract or contracts; or if no newspaper is published in said county, then by posting notices in three public places in said county. The said contract or contracts shall be awarded to the lowest responsible bidder; and the said contractor or contractors shall file a good and sufficient bond, to be approved by the Board of Supervisors; *provided*, that said Board of Supervisors shall have the right to reject any or all bids; but in no case shall the road be built except by contract. They shall have power to advance money to the contractor or contractors in such amounts as they may deem just, in proportion to the work done; and in order to arrive at a knowledge of the condition and amount of work performed by said contractor or contractors, the said Board of Supervisors shall have power to appoint an Inspector, whose duty it shall be to examine, from time to time, the work performed by said contractor or contractors, and report his finding to the Board of Supervisors. Said Inspector shall be paid a reasonable compensation, to be fixed and allowed by the Board of Supervisors, and shall be paid out of the fund received from the sale of said road bonds; *provided*, that nothing herein contained shall bind the Board of Supervisors to accept the report of said Inspector. Such payments shall be made by warrants drawn as other county warrants from the fund realized from the sale of the Road Fund bonds; *provided*, that no contractor shall employ Chinese labor in constructing said road.

SEC. 12. All warrants shall be drawn by the County Auditor upon the Treasurer of said county, upon the order of the Board of Supervisors, the same as other county warrants are drawn, and all accounts between the said Auditor and Treasurer shall be kept in like manner.

SEC. 13. This Act shall be and remain in force from and after its passage.

CHAP. CCCVI.—*An Act to authorize the corporation of the City of Los Angeles to issue bonds for improving the water supply of said city, and provide for their payment.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. For the purpose of constructing dams, reservoirs, and sanjas, or irrigating canals, and improving the same, or those now in use; for the purpose of developing and utilizing water for irrigation, and improving the system of irrigation in said city, and for the purpose of acquiring, by purchase or condemnation, any water right or right of way which it may be necessary to acquire, and for the purpose of purchasing any land to which any water right necessary to be purchased may be appurtenant (in case it may be deemed preferable to purchase the same), or for any of said purposes, the Council of the City of Los Angeles is hereby authorized and empowered for and in the name of said corporation to issue bonds to such amount as the Council may see fit, not exceeding the sum of one hundred thousand dollars, and to sell the same at a price of not less than ninety per cent. of their nominal value, and to appropriate the moneys received therefor to the purposes aforesaid; *provided*, that the Council shall not issue bonds to a greater amount than forty thousand dollars, unless as next hereinafter provided. As to the bonds for the remaining sixty thousand dollars of the hundred thousand hereinbefore mentioned, the Council shall cause a vote of the electors of the city to be taken at the next city election for and against the issue of said bonds. Said election shall be governed by the same rules, as nearly as may be, as govern other elections. The ballots used shall contain the words, "For the Irrigation Bonds," or the words, "Against the Irrigation Bonds." If a majority of the ballots cast at said election are "For the Irrigation Bonds," then the Council, in their discretion, may issue the bonds for the said sixty thousand dollars, and otherwise not.

Issuance  
of bonds  
authorized.

SEC. 2. Each of said bonds shall be regularly numbered in numerical order, and shall be issued in sums of not less than one hundred and not exceeding one thousand dollars each, as the Council of said city shall direct; shall be signed by the Mayor and City Treasurer of said city, respectively, and countersigned by the Clerk of the Council, and have the corporate seal of the city affixed thereto; shall be payable to bearer in gold coin of the United States at the office of the City Treasurer of said city, in said city, thirty years from, and after the date of the issuance thereof, and shall bear interest at the rate of seven per cent. per annum from date till paid; and to provide therefor shall have attached thereto in the usual form coupons, signed by the City Treasurer of said city; the interest to be payable semi-annually, on the first day of January and first day of July of each year, at the

Denomina-  
tion.

office of said Treasurer; both principal and interest to be paid out of the fund hereinafter established.

Irrigation  
Fund cre-  
ated.

SEC. 3. There is hereby created a fund in said city, to be known and called "The General Irrigation Fund," and the City Treasurer of said city is hereby required and directed to keep a regular account upon his books with said fund. For the purpose of providing for the payment of the semi-annual interest on said bonds and their final redemption and discharge, the authorities of said city are hereby authorized, required, and shall annually, each year, at the same time and in the same manner as other municipal taxes in said city are assessed, levied, and collected, assess, levy, and collect, so long as required, upon all taxable property in said city, a tax of not exceeding thirty cents upon each one hundred dollars of such property—all of which taxes shall be paid to such City Treasurer, and be by him placed to the credit of said "General Irrigation Fund," and applied to the payment of the principal and interest of said bonds for irrigation. So much of the fund derived from said tax as may be necessary, shall be set aside and applied exclusively to the payment of interest, and the balance as a sinking fund, applied to the final redemption of the bonds issued in pursuance of this Act; *provided*, that the Council is authorized and empowered, in their discretion, to fix the rate to be charged to irrigators in the City of Los Angeles for the use of water for irrigating purposes, at reasonable rates, in excess of what may be necessary for the expenses of distributing the water and keeping in repair the irrigation works and other expenses of maintaining the system; and that the net proceeds of all amounts thus collected, after paying said expenses, shall be transferred to the said "General Irrigation Fund," and constitute part thereof; and whenever in any year the amount thus paid in shall exceed one cent on each one hundred dollars of taxable property in any one year, the Council may make a corresponding reduction of the tax levy for the next year.

Redemption  
of bonds.

SEC. 4. Whenever at any time there shall be to the credit of said fund any sum in excess of the aggregate of five thousand dollars, and the amount that will be required to pay the semi-annual interest next thereafter to be paid on said bonds, the Council of said city is hereby authorized to direct and require the City Treasurer of said city to advertise for the redemption of bonds issued under this Act.

Duty of cer-  
tain officials.

SEC. 5. It shall be the duty of the Mayor of said city, the City Treasurer, and the Clerk of the Council of said city, within thirty days after the issuance of said bonds, to report a list thereof, showing the number and amount of each bond, and to whom sold and delivered, which report shall be entered in full upon the minutes of the Council, and the original preserved in the office of said Clerk; and it shall be the further duty of the City Treasurer to enter such list in a suitable book, which shall be preserved in his office.

Power of  
Council.

SEC. 6. The Council is authorized to reject any and all bids for the purchase of the bonds issued under this Act, or for their redemption; and it shall reject all bids for redemp-

tion at more than par value. If no bonds are offered for redemption for par or less than par value, the Council shall cause the Treasurer to publish a notice in some newspaper in the City of Los Angeles, and one in the City of San Francisco, for such number of times, not less than five, as they may deem advisable, specifying the amount of money in the sinking fund, and the numbers of the bonds which can be paid therewith (being always the bonds with the smallest numbers), and that said bonds will be paid on presentation, and thereupon, upon the expiration of one month after the first publication of said notice, the said bonds shall cease to bear interest.

SEC. 7. This Act shall take effect immediately.

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CHAP. CCCVII.—[See volume of *Amendments to the Codes*.]

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CHAP. CCCVIII.—*An Act to provide for the appointment of a Reporter of the decision of the Supreme Court.*

[Approved March 21, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Section seven hundred and sixty-seven of the Political Code is amended so as to read as follows:

SECTION 1. Section seven hundred and sixty-seven (767.) The Reporter of the decisions of the Supreme Court shall be appointed by the Governor, to hold office for four years from and after his appointment. The Governor shall appoint a Reporter of the decisions of the Supreme Court to take effect on the first Monday in May, A. D. 1877, and the term of office of the present incumbent shall cease on that day.

SEC. 2. Section seven hundred and sixty-eight (768) of the Political Code is hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

Appoint-  
ment of  
Reporter.

CHAP. CCCIX.—*An Act to provide for the building of a school house in Anaheim School District, in the County of Los Angeles, State of California.*

[Approved March 21. 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Issuance of  
bonds.

Denomina-  
tion.

SECTION 1. The Board of Trustees of Anaheim School District, in the County of Los Angeles, State of California, is hereby authorized to issue the bonds of said district for any amount not exceeding ten thousand dollars, bearing interest at the rate of ten per cent. per annum, payable semi-annually, on the second Monday of January and July of each year after their issuance. Said bonds shall be payable in gold coin, at the office of the County Treasurer of said county, on the first day of July, in the year eighteen hundred and ninety-three. Said bonds must be issued in denomination of one hundred or some multiple of one hundred dollars. They must be numbered consecutively, and signed by the Clerk of said district, by the Superintendent of Public Schools of said county, and countersigned by the County Treasurer of said county. Each of said bonds must have attached thereto coupons for the interest to accrue thereon; in the first coupon on each bond a sum must be inserted for the amount of interest to accrue in such bond from the date of issuance until the next date herein fixed for the payment of such interest; each of the other coupons must have inserted therein a sum representing the full semi-annual interest on such bond; said coupon must be numbered on each bond from one consecutively, and must each be signed and countersigned in the same manner as the bonds. The District Clerk, County Superintendent of Public Schools, and County Treasurer, must each keep a list of said bonds, showing the amount of bonds issued, the date of issuance, and the name of the person to whom issued, which list, during office hours, shall be open for the inspection of the public. Said bonds, from the time they are issued until paid as hereinafter provided, shall be a lien on all the property in said district as now constituted.

Sale of  
bonds

SEC. 2. For the purpose of obtaining funds to meet any obligation incurred under the provisions of this Act, as hereinafter set forth, the said Board of Trustees is hereby authorized to convert said bonds into money by selling the same to the highest bidder, for gold coin of the U. S., after advertising for at least twenty days in one or more newspapers published in this State, for sealed proposals to purchase said bonds. The Board, in such advertisement, must reserve the right to reject any or all bids for the purchase of said bonds which in its judgment may be too low in price; and *provided*, that none of said bonds shall be sold at a discount of more than fifteen per cent. The proceeds derived from the sale of said bonds must be paid into the county treasury, and must, by the County Treasurer, be kept



in a separate fund, to be known as the "Anaheim School District Building Fund," and must be used exclusively in paying for the building and furnishing of said school house, in the improvement of the lot belonging to the district, and for the payment of such incidental expenses as are herein expressly authorized. The said moneys must be paid out on the warrant of the County Superintendent, drawn upon the order of the Board of Trustees, in the same manner as other school moneys are by him required to be paid.

SEC. 3. Within three months after the issuance of any bonds under the provisions of this Act, and thereafter in every second year until all the bonds and the interest thereon are fully paid, the qualified electors of the Anaheim School District shall elect one District Assessor and one District Tax Collector; *provided*, that it shall be competent for said electors at such election to elect to such offices any elector of said district. The first election of said officers shall be held at such time and place as shall be designated by the Board of Trustees. All subsequent elections must be held at the same time as if by law required by the election of District Trustees, and notice of such election must be given. Officers to conduct the same must be appointed, and the same must be conducted in all respects as the law requires for the election of District Trustees, except in this: that the officers conducting said elections must within three days thereafter make return thereof to said Board of Trustees, and said Board must canvass said election returns and must issue thereupon certificate of election to persons having received the highest number of votes cast; the office of the persons so elected at the first election shall commence upon their reception of a certificate of election and qualifying as herein provided, and shall continue until the first Monday in July in the second year after their election; and thereafter the term of said officers shall commence on the first Monday in July after their election and continue for two years and until their successors are elected and qualified. The persons elected to said offices, within ten days after receiving their certificates of election, must qualify by taking the oath of office and executing and filing with the District Clerk an official bond, in such a sum as may be fixed by the order of said Board of Trustees; said bond must be executed in the same manner as other official bonds, and before filing must be approved by the County Judge of said County of Los Angeles.

Election of  
certain  
officers.

SEC. 4. It shall be the duty of the Assessor elected at the first election held in accordance with this Act, immediately after qualifying for his office, to commence making an assessment of all the property of said district, both real and personal, subject to taxation. In making all subsequent assessments after the first, during the continuance of the office of District Assessor, and until all the bonds shall be paid, the Assessor must commence making the assessment on the first Monday of March. Such assessment shall be made in the same manner as the assessment for State and county purposes, as required by law to be made, and said

Duty of  
Assessor.

District Assessor shall, within his district, have and exercise all the powers by law conferred upon County Assessors. The first assessment authorized by this Act shall be finished and the assessment roll delivered to the Board of Trustees of said district on the first Monday in September of the same year; every subsequent assessment after the first shall be finished and the assessment roll delivered to the Board of Trustees of said district on the second Monday of April in each year.

Board of  
Equaliza-  
tion.

SEC. 5. The Trustees, after receiving the assessment roll from the Assessor, must give five days' notice thereof, by posting notices in three public places in said district, and at such times and places as have been named in such posted notices they must sit as a Board of Equalization; their sessions as such must continue for at least three days and not more than eight days. During their session they must equalize said assessment, and for that purpose they have the same powers as the County Board of Equalization to make any changes in said assessment roll.

Interest and  
redemption  
tax.

SEC. 6. As soon as the work of equalization has been completed, the Trustees must levy a tax upon the property in said district sufficient in each year to pay all the interest accruing on all the bonds issued under the provisions of this Act during the year, and all the expenses of collection of said tax; also, sufficient to create a redemption fund of not less than two hundred and fifty nor more than two thousand dollars annually. They shall also compute the rate to be levied as required by section eighteen hundred and thirty-eight of the Political Code, in relation to other district taxes, and said taxes when so levied shall be a lien upon all the property in said district upon which they are assessed, which lien shall attach in each year on the second Monday in May, and shall continue until the said taxes are fully paid, or until the property upon which the same has been assessed vests absolutely in a purchaser, under a valid sale for the satisfaction of such taxes.

Collection  
of taxes.

SEC. 7. As soon as the rate of taxation has been determined as provided in the preceding section, the Board of Trustees must place the tax list in the hand of the District Collector, who must then proceed to collect the tax, and within sixty days return the roll to the Board of Trustees with word "paid" marked opposite the name of each person or description of property from whom or on which he has received the tax, and he must also, at the same time, file with the Board of Trustees the County Treasurer's receipt for all the moneys by him collected, and the persons and property on the roll not by the Collector marked paid are delinquent.

Power con-  
ferred on  
Collector.

SEC. 8. For the purpose of collecting said taxes the District Tax Collector shall have and exercise within said district the same powers that by law are conferred upon the County Tax Collector. The District Tax Collector must pay over all the moneys collected to the County Treasurer, and make settlement therefor with the County Auditor in the same manner as the County Tax Collector is required by law to do in relation to State and county taxes.

SEC. 9. The County Treasurer must keep all moneys paid him under the provisions of this Act in a separate fund, to be known as the "Anaheim School District Bond, Interest, and Redemption Fund," and the said moneys must be paid out by him to liquidate the interest accruing upon said bonds, upon presentation at the times herein specified of the coupons therefor, and for the redemption of bonds, upon presentation to him of the bonds ordered to be paid as herein-after provided by the Trustee of the District, and the said Treasurer must settle with the County Auditor for money received and disbursed by him under this section, in the same manner as he is required to settle for county moneys received and disbursed by him.

*Duty of Treasurer.*

SEC. 10. Whenever there shall be five hundred dollars in said Interest and Redemption Fund in excess of the amount required to pay the interest for that year, the said Board of School Trustees shall give notice, by publication in some newspaper published in said County of Los Angeles, that sealed proposals directed to them for the surrender of the bonds of said school district will be received by them until a certain time, to be designated in said notice. On the day and at the place named in said notice they shall open all proposals received for the surrender of said bonds, and accept the lowest bids offered until they shall have accepted an amount sufficient to exhaust the money in said fund not then required for the payment of said interest; *provided*, that no bid for more than par value shall be accepted, nor any bid unless the bonds to be surrendered accompany such bid. All bonds so redeemed shall be canceled by writing the word "paid" across the face of the bond, with the date of the surrender of the same, which shall be signed by the Chairman of the Board of Trustees. Should no bids be received for par value or less, the money in said fund shall be used for the redemption of said bonds according to their number and the date of their issue, and the said School Trustees shall give the same notice as is required by law in the case of redemption of county warrants, and after thirty days from the date of said notice the bonds proposed to be redeemed shall cease to draw interest; and if any such bonds shall not be presented for redemption within three months from date of such notice, said Trustees shall apply the money for the redemption of bonds next in order according to the number of their issue. In the year eighteen hundred and ninety-three, provided said bonds shall not have all been previously redeemed, there shall be levied and collected in said school district, in the manner hereinbefore provided, an amount of money sufficient to redeem and pay all the said bonds then remaining unpaid.

*Redemption of bonds.*

*Cancellation.*

SEC. 11. Sections eighteen hundred and forty-five, eighteen hundred and forty-six, eighteen hundred and forty-seven, eighteen hundred and forty-eight, eighteen hundred and forty-nine, eighteen hundred and fifty, eighteen hundred and fifty-one, and eighteen hundred and fifty-two, of the Political Code of California, specifying the manner of col-

*Political Code made applicable.*

lecting delinquent school tax, are hereby made a part of this Act, and the provisions thereof, except as otherwise specially provided in this Act, shall apply thereto.

Vacancy;  
how filled.

SEC. 12. In case any Assessor or Collector, elected under the provisions of this Act, shall refuse or neglect to qualify within ten days after his election, or having qualified, refuses or neglects to act, or in case of any vacancy from any other cause in either or both of said offices, the Board of Trustees must call a special election, giving at least five days' notice, to fill such vacancy.

Compensa-  
tion.

SEC. 13. The District Assessor and District Tax Collector shall each receive such compensation for his services as may be fixed by the Board of Trustees; *provided*, the cost of assessing and collecting shall not exceed one hundred and seventy-five dollars per annum.

SEC. 14. Nothing in this Act shall be construed to prohibit the same person from holding both the office of District Assessor and District Tax Collector.

SEC. 15. No other officers, except Assessor and Collector, charged with any duties under the provision[s] of this Act, shall be allowed or receive any compensation for such services.

Expenses;  
how paid.

SEC. 16. The Board of Trustees are hereby authorized to pay out of any fund raised under this Act, or from any moneys remaining in the County School Fund at the close of the school year, the necessary expenses attending the preparation, advertisement, and sale of said bonds.

Sale of  
building  
authorized.

SEC. 17. The Board of Trustees are hereby authorized to sell the present school buildings and school lot, on First South Street, whenever they may deem it best to do so, and to apply the proceeds of said sale to the defraying the expenses of building the new school house, or to the redemption of any outstanding bonds of the district.

SEC. 18. From the time of the issuance of any bonds as hereinbefore authorized, until their payment and redemption, the boundaries of said Anaheim School District, as now constituted and known, shall not be diminished.

SEC. 19. This Act shall take effect and be in force from and after its passage.

#### CHAP. CCCX.—*An Act for the relief of J. B. Scott.*

[Approved March 22, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Payment  
of claim  
authorized.

SECTION 1. The Board of Supervisors of Monterey County are hereby authorized and directed, in their discretion, to examine, settle, allow, and order paid out of the Current Expense Fund of said county to J. B. Scott a sum not to exceed the sum of eight hundred and fifty-seven dollars, for services rendered by the said Scott, as County Auditor of

said county, in issuing, registering, and keeping an account of licenses of said county.

SEC. 2. The Auditor of said county is hereby authorized and directed to audit said claim when so allowed by said Board of Supervisors, and the Treasurer of said county is authorized and directed to pay the same out of said Current Expense Fund of said Monterey County,

SEC. 3. This Act shall take effect immediately.

CHAP. CCCXI.—*An Act to authorize the Board of Supervisors of Fresno County to build certain roads and bridges, and to issue bonds of said county for the construction thereof, and to provide for the payment of the same.*

[Approved March 22, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the County of Fresno are hereby authorized and directed to issue the bonds of said county, in such sums as may be required, for the construction and completion of certain wagon roads and bridges hereinafter mentioned, not exceeding twenty thousand dollars, payable on the first Monday in January, eighteen hundred and ninety-eight, with interest at the rate of seven per cent. per annum, payable on the first Monday in January, both principal and interest to be made payable in U. S. gold coin only. Said bonds shall be issued in denominations of five hundred dollars each, and shall be signed by the Chairman of the Board of Supervisors, and countersigned by the Auditor of the county; interest coupons shall be attached, signed in like manner.

Issuance of  
bonds au-  
thorized.

SEC. 2. The bonds and coupons shall be payable at the office of the County Treasurer of said county, and when any coupons are paid they shall be canceled by the Treasurer, and filed with the Auditor. Both Treasurer and Auditor shall keep an accurate account of the coupons redeemed.

When  
payable

SEC. 3. Said coupons shall bear the date of their issuance, and the first coupons shall be for the interest from such date up to the first Monday in January next succeeding.

SEC. 4. For the purpose of paying the interest on said bonds, the Board of Supervisors of said county shall, at the time of levying the county taxes for each year, levy a special tax on all property in said county sufficient to pay the interest for one year on all bonds then outstanding. In making such levy the Board of Supervisors shall not deem the value of the property of the county to be greater than it was shown to have been by the assessment of the preceding year. The special tax thus levied shall be assessed and collected as other State and county taxes are assessed and collected, and shall be set apart as a special fund, to be known as the "Road

Interest tax.

and Bridge Bond Interest Fund," and out of said fund the coupons on said bonds shall be paid as they fall due.

SEC. 5. If the amount realized from said special fund exceed the amount required to pay the coupons on the first Monday of any January, the Board of Supervisors may transfer such surplus to the County General Fund.

Redemption  
tax.

SEC. 6. In and for the year eighteen hundred and eighty-eight, and each year thereafter until the whole of said bonds are paid, the Board of Supervisors of said county shall levy and cause to be collected a tax sufficient to pay ten per cent. of the whole issue of said bonds, and the tax thus levied and collected shall be set apart as a special fund, to be known as the Road and Bridge Bond Redemption Fund.

Redemption  
of bonds.

SEC. 7. Whenever there shall be one thousand dollars or over in said Redemption Fund, the Treasurer shall cause notice to be published once a week for four successive weeks, in some newspaper published in said county, that he is prepared to receive bonds to a certain amount, specifying the amount, and on the day named in the notice the Treasurer shall, in the presence of the County Auditor, publicly open all the proposals for the surrender of bonds, and shall proceed to redeem such bonds as may be offered at the lowest figure; *provided*, that no bid above par value shall be accepted; *and provided further*, that the bonds shall always accompany the bid. If no bid shall be put in at par or less than par value, or if a sufficient amount shall not be offered to absorb all the money in the said Redemption Fund, then the bonds shall become due and payable in the numerical order in which they are issued, and the Treasurer shall give notice in the manner above provided that certain bonds, describing them, are due and payable, and the interest thereon shall cease from and after the date of said notice.

Sale of  
bonds.

SEC. 8. The Board of Supervisors may sell any or all of said bonds at such time or times as they shall deem proper, after having published a notice for thirty days in one newspaper published in said county, and one at the City and County of San Francisco, inviting proposals for the purchase of the same; upon a day to be named in said notices, the Board shall meet to consider said proposals, and they shall deliver said bonds with the coupons attached to the person or persons bidding the highest price therefor in gold coin of the United States; *provided*, that the said Board of Supervisors shall have the power to reject any and all bids; *and provided further*, that said bonds shall not be sold for less than par value.

SEC. 9. The Board of Supervisors may sell said bonds for not less than par value, without the notice provided for in the preceding section.

SEC. 10. All moneys derived from the sale of said bonds shall be expended in the manner hereinafter provided for.

Application  
of money.

SEC. 11. Seven thousand five hundred dollars, derived from the sale of said bonds, shall be applied by the Board of Supervisors of said county in the payment for right of way over the lands of private owners, and for surveying and constructing a good wagon road and bridge where necessary.

Said road shall be commenced on the north side of the Fresno River, at or near Fresno Flats; thence following the road leading to Buchanan until at or near Charles Micheals' ranch; thence said road shall be located on the south side of Fresno River, and over the nearest and most direct and practicable route to the Town of Madria; thence in the most direct and practicable route to Firebaugh's Ferry, and thence in a southwesterly direction until it intersects the road leading from White's Ferry, at or near the lower end of Big Panoche Valley.

SEC. 12. Seven thousand five hundred dollars shall be laid out and expended in constructing a good wagon road and necessary bridges from toll-gate near Yancey House, via Academy and Jensen's store, on Big Dry Creek; thence in the most direct and practicable route to Fresno City; from thence in a southwesterly direction, following, where practicable, township and section lines, to or near Elkhorn ranch to the northeast corner of section one, township seventeen south, range eighteen east; thence in the most direct line to Rosa Chimenero. If, in the opinion of the Board of Supervisors, a deviation in the route proposed in this section is necessary, then they are hereby authorized to make such deviation. Application of money.

SEC. 13. Five thousand dollars shall be laid out and expended in constructing a road, and for bridges where necessary, commencing at a point near where the railroad crosses the boundary line between the Counties of Fresno and Merced, thence on the west side near and parallel with the railroad leading to the southern line of Fresno County, near Kingsburg. Section eleven of this Act, relative to right of way and surveying, shall be made applicable to sections twelve and thirteen of this Act. Same.

SEC. 14. It shall be the duty of the Clerk of the Board of Supervisors of Fresno County, as soon as he receives a certified copy of this Act from the Secretary of State, to notify the Chairman of the Board of Supervisors of the same, whereupon the Chairman shall call a special meeting of the Board of Supervisors (not to exceed) twenty days after receiving said notice). And to provide for carrying out the provisions of this Act, at the first meeting of the Board, special or otherwise, after said notification, the Board of Supervisors shall appoint three Viewers, one of whom must be a surveyor; the other two shall be residents of the Supervisor District in which the said road is located. The Viewers must be disinterested citizens of the county. They shall be sworn to discharge their duties faithfully; must view and lay out the proposed road over the most practicable route. Duty of Clerk.

SEC. 15. When the view and survey of the proposed new roads are completed, the Viewers must report to the Board of Supervisors: Appointment of Viewers.

*First*—The course, termini, length, and probable cost of the construction of the proposed roads and bridges.

*Second*—The names of land owners who consent to give the right of way, and their written consent thereto.

*Third*—The names of land owners who do not consent, and the amount of damages claimed by each.

Compensation.

SEC. 16. The Viewers must be paid three dollars each per day for their services, out of the Special Road Fund, and the surveyor his legal fees for services in running out and mapping the roads, and making the plat and field notes, which must be filed before he receives his compensation.

Board to advertise for proposals to do work.

SEC. 17. After the Viewers have made their report, and the surveyor has filed the plat, field notes of his survey, and estimates of the probable costs of said roads and bridges, the Board of Supervisors must let out to the lowest responsible bidder, after giving notice by publication at least two weeks in a county newspaper in said county, that they will receive sealed proposals for the building of certain roads and bridges, specifying in said notice the number of miles of road to be built and number of bridges, also how said bridges shall be constructed. They shall also give notice when the proposals shall be opened and contract awarded. The Supervisors shall require of the contractor or contractors a bond, with two or more sureties, in a sum which they may deem sufficient, to be approved by them, for the faithful performance of the contract.

Payment of contract.

SEC. 18. Whenever any contract that shall have been awarded under the provisions of this Act shall have been completed to the satisfaction of the Board of Supervisors, said Board shall direct the Auditor to draw his warrant on the Treasurer, payable out of the Special Road and Bridge Bond Funds, for the amount due on said contract, and said Treasurer shall pay the same, taking a receipt therefor.

Political Code made applicable.

SEC. 19. The general provisions of the Political Code in relation to roads, bridges, and highways, so far as they do not conflict with the provisions of this Act, are hereby made applicable to roads, bridges, and highways mentioned in this Act.

SEC. 20. This Act shall take effect immediately after its passage.

CHAP. CCCXII.—*An Act to amend an Act entitled an Act to re-incorporate the City of Vallejo, approved March 27th, 1872, and supplemental thereto.*

[Approved March 22, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Trustees to effect loans.

SECTION 1. Section 32 of said Act is hereby amended so as to read as follows: Section 32. The Board of Trustees shall have power and authority, in the manner provided in sections twenty-nine, thirty, and thirty-one of the Act to which this Act is amendatory, to effect loans not to exceed in the aggregate the sum of sixty thousand dollars, in gold coin, on the credit of said city, including the



present indebtedness, which shall constitute an Improvement Fund, and to secure the payment of said loan shall have power, and are hereby authorized and directed, to issue, in the name of the city, its negotiable bonds, to be made payable in not less than twenty years, and to bear interest at a rate not exceeding seven per cent. per annum, principal and interest to be paid in the gold coin of the United States; and in effecting said loan shall advertise their proposition for a loan in a newspaper published in the said city, and in the City and County of San Francisco, for the period of at least thirty days, and shall therein invite proposals to be made for the loan, at the end of which time the said Trustees shall, in open meeting of the Board, announce the terms of all proposals offered, and may accept the highest bid therefor for any amount not exceeding said sum of sixty thousand dollars as aforesaid, and issue and deliver the bonds therefor, together with coupons for the annual interest to accrue on the same; *provided*, that no bond shall be issued for a less sum than one hundred dollars, nor more than one thousand dollars, or sold for less than par value. If no offer equal to the par value of said bonds be made within thirty days, publication of the notice may be continued until such bonds can be sold. Nothing contained in this Act shall invalidate the bonds heretofore issued, but the remaining unpaid portion of the sixty thousand dollars of bonds, to wit: forty-five thousand dollars of bonds, payable twenty years from their issuance, purporting to be issued under the Act of March 27, 1872, of which this Act is amendatory, shall be paid in accordance with the terms of said bonds. The Board of Trustees shall annually, commencing in the year A. D. 1879, levy a tax of not more than one thousand dollars, which shall be levied and collected at the same time and in the same manner with other taxes, which, when collected, shall constitute the Vallejo Bond Redemption Fund; and whenever there shall be in said fund the sum of one thousand dollars or more, the said Board shall advertise in a newspaper published in the City of Vallejo, for twenty days, for sealed proposals for the redemption of said bonds; and at the expiration of the time of such publication, the said Board shall open the sealed proposals, and shall redeem bonds offered at the lowest price, as far as the money provided therefor will extend; *provided*, that no bonds shall be redeemed at more than their par value and accrued interest; but if sufficient of the bonds are not offered for redemption to consume the funds, the Board shall pay said bonds to the extent of the fund on hand, commencing with the lowest numbered bond outstanding.

Issuance of bonds.

Redemption tax.

Redemption of bonds.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXIII.—*An Act to provide for the election of an Assessor, a City Marshal, and a Treasurer for the City of Benicia, and to prescribe their duties; also, to grant to the Trustees of said city.*

[Approved March 22, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Election of  
certain  
officers.

SECTION 1. At the time and at the place provided for the election of Trustees for said city, there shall be elected annually, by the qualified electors of said city, a City Assessor, a City Marshal, who shall be ex officio City Tax Collector, and a City Treasurer. All returns of election shall be made to the Board of Trustees, and the Clerk of the Board shall issue certificates of election to the persons entitled thereto. Before entering upon the duties of their respective offices, the said City Assessor, City Marshal, and City Treasurer, shall enter into a bond, with sureties in an amount to be fixed by the Board of Trustees, and be approved by them, conditioned for the faithful performance of their duties, and their compensation for duties performed shall be determined by the Board of Trustees, and paid by warrants drawn on the General Fund.

Duty of  
Assessor.

SEC. 2. It shall be the duty of the Assessor to assess all taxable property within the limits of said city, between the first Monday of March and the first Monday of July in each year, and in making such assessments, he shall be governed by the same laws, rules, and regulations now or hereafter applicable to County Assessors for State and county taxes, and shall deliver the assessment roll to the Board of Trustees on the first Monday of July, but may, within thirty days thereafter, add any additional assessment therein which may have been omitted, or correct any error made by him in making up the assessment roll, and perform such other duties pertaining to his office as the Board of Trustees shall by ordinance enact.

Board of  
Equaliza-  
tion.

SEC. 3. The Board of Trustees shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Board his assessment, and after ten days' notice, hold their meetings to hear and determine all complaints respecting the valuations of property as fixed by the Assessor; and shall have power to modify and change such valuation in any way they or a majority of them shall deem just and proper. Such meetings shall be held for such length of time as the Board of Trustees shall determine. Said Board shall not sit as a Board of Equalization after the first Monday in October, and on that day, or within ten days thereafter, they shall levy upon the assessed valuation of the property of said city the rate of taxation upon each one hundred dollars of valuation, which shall be entered upon their minutes. They shall then deliver to the City Clerk the assessment, who shall compute and carry out the amount of tax so levied upon each parcel of property in said assess-

ment roll contained, and shall deliver said assessment roll, so made out and duly certified to, to the City Marshal for collection, on the first Monday of November.

SEC. 4. The City Marshal, in addition to his present duties as ex officio City Tax Collector, shall be vested with the same powers and authority conferred on Tax Collectors of State and county taxes, and shall be governed by the laws of the State now or hereafter in force, except in so far as his duties shall be regulated or modified by ordinance; *provided*, that the publication of the delinquent tax list shall be made in some newspaper published within said city, if there be one—if there be none, then in some newspaper published within the County of Solano; *provided*, all sales for delinquent taxes shall be made in front of the City Hall, and by the City Marshal. He shall keep a true and accurate account of all moneys collected by him, and from what source, and what account received, and report and pay over the same to the City Treasurer on the first Monday of each month, taking his receipt therefor.

Power conferred on City Marshal.

Duty of.

SEC. 5. It shall be the duty of the Treasurer to receive and safely keep and disburse all moneys and revenues of said city, placing the same to account of the same fund, and paying out in the same manner as the County Treasurer is directed by Act approved March twenty-eighth, eighteen hundred and seventy-four, Chapter DXLI, Statutes of California, twentieth session.

Duty of Treasurer.

SEC. 6. The City Clerk shall perform the same duties in relation to the assessment and collection of city taxes as are imposed by law on the County Auditor in relation to the assessment and collection of county taxes, and shall receive such further compensation for his services as the Board of Trustees may allow.

Duty of Clerk.

SEC. 7. The Board of Trustees shall have power to license and regulate hacks, cabs, carts, omnibuses, railway cars, and all other vehicles, butchers, porters, pawnbrokers, peddlers, showmen, and junk shop-keepers, theaters, and all other places of public amusements, also to provide for licensing any or all business not prohibited by law, and fix the amount of license tax for the same.

Power of Board.

SEC. 8. After the election and qualification of the City Treasurer, the County Treasurer of Solano County shall pay over to him all moneys that are or may come into his possession belonging to the City of Benicia.

SEC. 9. All Acts and parts of Acts, so far only as they conflict with the provisions of this Act, are hereby repealed.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXIV.—*An Act in relation to roads and highways in the County of Butte.*

[Approved March 22, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

ENUMERATION OF HIGHWAYS—WHAT ARE HIGHWAYS.

Highways  
defined.

SECTION 1. Highways are roads, streets, or alleys, and bridges, laid out or erected by the public, or, if laid out or erected by others, dedicated or abandoned to the public.

SEC. 2. Roads laid out and recorded as highways by order of the Board of Supervisors are highways. Whenever any corporation owning a toll-bridge, or a turnpike, plank, or common wagon road is dissolved, or has expired by limitation, or non-uses, the bridge or road becomes a highway.

WHEN VACATED.

SEC. 3. Roads laid out as provided in section two of this Act shall not be vacated, or cease to be highways, until so ordered by the Board of Supervisors.

DUTIES OF CLERK RELATIVE TO ROAD MATTERS.

Duty of  
Clerk.

SEC. 4. The Clerk of the Board of Supervisors must keep a book in which must be recorded, separately, all proceedings of the Board relative to each road district, including orders, laying out, altering, and opening roads, and in a separate book a description of each road district, its Overseers, its roads, highways, contracts, and all other matters pertaining thereto.

RULES AND RESTRICTIONS RESPECTING THE USE OF HIGHWAYS—PUBLIC EASEMENT.

SEC. 5. By taking or accepting land for a highway, the public acquire only the right of way, and the incidents necessary to enjoying and maintaining it, subject to the regulations in this Act and the Civil Code provided.

ADJOINING OWNER MAY CONSTRUCT SIDEWALK.

Construc-  
tion of  
sidewalks.

SEC. 6. Any owner or occupant of land may construct a sidewalk on the highway along the line of his land subject, however, to the authority conferred by law on the Board of Supervisors and the Overseers of Highways, and any person using such sidewalk with horse or team, without permission of the owner, is liable to such owner or occupant in the sum of five dollars for each trespass, and for all damages suffered thereby. When trees are planted along the sides of highways, as hereinafter provided, the space included between

the row of trees and the boundary of any highway shall be deemed the sidewalk.

MAY PLANT TREES.

SEC. 7. Any owner or occupant of land adjoining a high-<sup>Planting of trees.</sup> way may plant trees on the side contiguous to his land. The trees must be set in rows and not less than six feet from each other; the distance of the row from the boundary of the highway must be as follows: For a highway forty feet wide or less, the distance must not exceed six feet; for a highway forty and not over fifty feet wide, the distance must not exceed seven feet; for a highway over fifty and not over sixty feet wide, the distance must not exceed ten feet; for a highway over sixty and not over seventy feet wide, the distance must not exceed twelve feet; for a highway over seventy and not over eighty feet wide, the distance must not exceed fourteen feet; for a highway over eighty and not over one hundred feet, the distance shall not exceed sixteen feet; *provided*, that a row of trees may in all cases be planted adjacent to the boundary of highways that are fenced, and not to exceed in any case two feet from the fence. Whoever injures any tree planted as provided in this section, is liable to the owner or occupant for the damage which is thereby sustained.

GAS, WATER, AND RAILROAD CORPORATIONS MAY LAY DOWN CONDUCTORS AND TRACK.

SEC. 8. Every gas, water, or railroad corporation has<sup>Laying of trucks, etc.</sup> power to lay down conductors and tracks through the public ways and squares in any incorporated city, village, or town, when it is established with the consent of the municipal authorities thereof, and under such reasonable regulations as the authorities and the law prescribe, and through every incorporated town within this county, with the consent of the Board of Supervisors, under such reasonable regulations as the Board and laws may prescribe.

OTHER CORPORATIONS MAY ACQUIRE RIGHT OF WAY.

SEC. 9. The ease and manner in which railroad, plank<sup>Right of way.</sup> road, turnpike, and common wagon road corporations may acquire a right of way upon the public highways are provided for in the Political Code, and in Title Seven, Part Three, of the Code of Civil Procedure, and under title "Corporations" of the Civil Code, and the same are hereby made applicable to Butte County.

POWERS AND DUTIES OF BOARDS OF SUPERVISORS AND HIGHWAY OFFICERS OVER HIGHWAYS—DUTIES OF BOARDS OF SUPERVISORS.

SEC. 10. *First*—Cause to be surveyed, viewed, laid out,<sup>Powers and duties of Board.</sup> recorded, opened, and worked such highways as are necessary for public convenience, as in this Act provided.

Powers and  
duties of  
Board

*Second*—Abolish or abandon such as are unnecessary.

*Third*—Contract, agree for, purchase, or otherwise acquire the right of way over private property for the use of public highways.

*Fourth*—Let out by contract the improvement of highways and the construction and repair of bridges, or other adjuncts to highways, when the amount of work to be done by contract exceeds three hundred dollars.

*Fifth*—Levy a property road tax.

*Sixth*—The respective Supervisors of the several Supervisor districts may order and direct Overseers specially in regard to work to be done on particular roads in their district.

*Seventh*—Cause to be erected and maintained on the highways they may designate guide-posts properly inscribed.

*Eighth*—Cause the road tax collected each year to be apportioned to the road districts entitled thereto, and kept by the Treasurer in separate funds.

*Ninth*—Audit and draw warrants on the funds of the respective road districts when required to pay for right of way, or work, or improvements thereon.

*Tenth*—Furnish to each Road Overseer a copy of this Act.

#### ROAD OVERSEERS—QUALIFICATIONS, ETC.

SEC. 11. Overseers of road districts receive notice of their election or appointment from the Clerk of the Board of Supervisors, and within ten days thereafter must give the official bond required by the Board of Supervisors, and take the usual oath of office. The certificate of election or appointment, or a certified copy thereof, constitutes a commission, and authorizes the person named in and holding the same to discharge the duties of Overseer until superseded.

#### DUTIES.

Duty of  
Overseer.

SEC. 12. Road Overseers, under the direction and supervision, and pursuant to orders of the Board of Supervisors, must:

*First*—Take charge of the public highways within their respective districts.

*Second*—Keep them clear from obstruction and in good repair, cause banks to be graded, bridges and causeways to be made where necessary, keep the same in good repair, and renew them when destroyed.

*Third*—Receive an[d] present petitions for new roads, recommend or disapprove the same, and assist in laying them out.

*Fourth*—Collect all road poll taxes in the mode provided for the collection of other poll taxes, and faithfully account for and pay over the same to the County Treasurer on the first Monday in March, July, October, and last judicial day in December, and the County Treasurer shall thereupon place the same to the credit of the several road districts wherein said tax was collected.

*Fifth*—Receive for his services, from money belonging to his road district, the sum of three dollars for each day's service performed by him, not to exceed three hundred dollars per annum, to be audited and ordered paid by the Board of Supervisors, and in addition thereto shall be allowed to retain to their own use ten per cent. upon each and every dollar road poll tax money collected by them. Compensation.

*Sixth*—Obey all legal orders of the Board, and certify to all bills incurred within their districts when correct.

#### GENERAL ROAD FUND, ETC.

SEC. 13. From the property road tax collected from all sources, exclusive of road poll, the Board of Supervisors must annually set apart twenty per cent. of the aggregate for general county road purposes, from which they may direct such amounts to be paid as may be found necessary for such general road purposes in which the inhabitants of all the districts are more or less interested. The object of the appropriation must be specified in each order made therefor. The Board shall have no power to create a debt on any road district in excess of the money on hand or collectable from assessment already made by the County Assessor. Road Fund.

#### BONDS TO MACADAMIZE ROADS—HIGHWAY TAXES—LEVY THEREOF.

SEC. 14. The Board of Supervisors must each year, at the meeting at which they are required to levy the property tax for county purposes, estimate the probable amount of property tax for highway purposes which may be necessary for the ensuing year, over and above the road poll tax, and must regulate and fix the amount of property highway tax, and levy the same thereby. Road tax.

#### ANNUAL PROPERTY ROAD TAX—HOW LEVIED, COLLECTED, ETC.

SEC. 15. The annual property tax for road purposes must be levied by the Board of Supervisors, at their session when the tax is by them levied for county purposes, and must not exceed thirty cents on each one hundred dollars in value of taxable property. This property road tax when levied must be annually assessed and collected by the same officers and in the same manner as other State and county taxes are levied, assessed, and collected, and turned over to the County Treasurer for the use of the road district from which it is respectively collected.

#### LINE BRIDGES.

SEC. 16. Bridges crossing the line between cities or towns and road districts must be constructed by the cities or towns and the Road Fund of the road districts into which said bridges reach, proportionately; *provided*, that the Board of Supervisors may order the whole expense of constructing or Line bridges; how constructed.

repairing said bridges out of the General Road Fund of the county.

#### EMPLOYERS RESPONSIBLE FOR HIGHWAY LABOR ASSESSED TO EMPLOYEES.

Employers  
responsible.

SEC. 17. Corporations or other employers of residents in any highway district are responsible for the road poll tax assessed against their employes, and a notice to the employer or managing agent, requiring the payment of the road poll tax of the employe, charges such employer or corporation with such road poll tax.

#### OVERSEER'S REPORT.

Overseer to  
make report

SEC. 18. Every Overseer must make to the Board of Supervisors, semi-annually, a written account, under oath, containing a full return by items of the amount of labor expended at each separate point, and the manner in which and the time when the same was done, an accurate account of every day he himself was employed, and the nature and items of the service rendered; the number of road poll tax receipts sold, and those returned unsold.

#### UNEXPENDED MONEYS.

SEC. 19. Road Overseers must accompany their reports with all moneys of their district remaining in their hands at the date of their report, and a statement of all money in the county treasury to the credit of their respective road districts.

#### PENALTY FOR FAILURE TO REPORT, ETC.

Penalty.

SEC. 20. A failure to make a report as required, or to pay over on the order of the Board of Supervisors any moneys in his hands, subjects the Overseer to a penalty of twenty-five dollars, to be recovered in an action on his bond, together with any balance due from him. Suit therefor may be instituted by the District Attorney, under order of the Board of Supervisors.

#### LAYING OUT, ALTERING, AND DISCONTINUING ROADS, CHANGING ROADS, ETC.

SEC. 21. Any ten inhabitants of a road district, and property owners therein, may petition in writing the Board of Supervisors to alter or discontinue any road, or to lay out a new road therein.

#### WHAT THE PETITION MUST SHOW.

Petition  
must show  
what.

SEC. 22. The petition must set forth and describe particularly the commencement and terminus of the road to be abandoned, discontinued, altered, or constructed, and the general route thereof; over what lands, and who the owners



thereof are, the necessity for, and the advantages of the proposed change.

PETITIONERS TO GIVE BONDS FOR COSTS.

SEC. 23. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the Supervisors, in double the amount of the probable cost of the viewing and laying out or altering of any road, conditioned that the bondsmen will pay all the costs of viewing and surveying in case the prayer is not granted and the road finally not opened.

Petitioners  
to give  
bonds.

SUPERVISORS TO APPOINT VIEWERS.

SEC. 24. Upon filing such petition and bond the Board of Supervisors must appoint three Viewers, one of whom must be a surveyor, to view and survey any proposed alteration of an old or opening of a new road, to be made substantially in accordance with the description in the petition, and submit to the Board an estimate of the cost of the change, alteration, or opening, including the purchase of the right of way, and their views of the necessity thereof.

Appoint-  
ment of  
Viewers.

VIEWERS TO BE APPOINTED, AND THEIR DUTIES.

SEC. 25. The Road Viewers must be disinterested tax-paying citizens of the county, but not petitioners; must view and lay out the proposed alteration or new road over the most practicable route; ascertain whether the owners consent thereto, and the amount, if any, they claim or demand for the right of way over the same; estimate the actual damage to any land over which it passes, and the cost of any bridges or grading necessary; the necessity for and public convenience to be subserved by the road, and whether the opening thereof or change therein proposed should be had.

Duties of  
Viewers.

REPORT OF VIEWERS.

SEC. 26. When the view and survey of the proposed alteration or new road is completed, the Viewers must report to the Board of Supervisors:

Viewers  
must report

*First*—The course, termini, length, and probable cost of construction of the proposed road.

*Second*—The estimate of damage to the owner of any land over which it is proposed to run the road.

*Third*—The names of land owners who consent to give the right of way, and their written consent thereto.

*Fourth*—The names of land owners who do not consent, and the amount of damage claimed by each.

*Fifth*—Such other facts bearing upon the subject of importance to be known by the Board of Supervisors.

## APPROVING VIEWERS' REPORTS.

Approval of  
report.

SEC. 27. No report of Viewers must by the Board of Supervisors be approved which, without the consent of the owner or occupant, would have the effect to open a road through buildings, or fixtures, or erections for the purposes of residence, trade, or manufacture, unless the Board of Supervisors are satisfied, from personal examination and observation, or from the sworn statement of at least five residents of the road district, that the opening of such road through such premises is a necessity, a great benefit, or a great convenience to a moiety of the inhabitants of the district. The Viewers shall sign said report and make oath thereto, to be indorsed on said report, that they have performed the duty of Viewers faithfully and to the best of their ability.

## VIEWERS AND SURVEYORS—HOW PAID, AND ON WHAT CERTIFICATE.

Compensation.

SEC. 28. The Viewers must be paid three dollars each per day for their services out of the Road Fund of the district through which the road passes, and the surveyor his legal fees for services in running out and mapping the road and making plat and field notes, which must be filed with the Clerk of the Board before he receives his compensation.

## HEARING OF REPORTS.

Hearing  
of report.

SEC. 29. The Board of Supervisors, on coming in of the report, must fix a day for hearing the same, must notify the owners of land not consenting to give the right of way of the hearing, by having written notice served on them personally, or on the occupant or agent of the owner of the land, or by posting notice at the most conspicuous place on the land, or left at the owner's, agent's, or occupant's residence by the Road Overseers of the respective road districts in which such notices are to be served, ten days prior to the day fixed for the hearing; and must, on the day fixed, or to which it may be postponed or adjourned, hear evidence and proof from all parties interested for and against the proposed alteration or new road, ascertain and by order declare the amount of damage awarded to each non-consenting land owner, and declare the report of the Viewers to be approved or rejected.

Petition for  
opening  
new road.

SEC. 30. Whenever any persons may propose to open a public road through their lands, such persons may petition the Board of Supervisors of the county to lay out and open said road as a public highway. Such petition must give the commencement and terminus of said proposed road, with a general description and width thereof, and a waiver of all damages, and must be accompanied by the proper deed of such persons to such land; and thereupon, without further proceedings, the Board may, in their discretion, declare the same a public highway, and enter in their Book of Records such order, and such road shall then be an established high-

way. Such petitioners shall proceed at their own expense, unless the Board of Supervisors order the expense paid from the proper District or General Road Fund, to open such road within thirty days, unless the Board grant a longer time. The guardian of any idiot, minor, or insane person is hereby empowered to petition and deed for his ward, under this section. All such petitions and deeds shall have the same force and effect as petitions and deeds of other persons not under disability.

APPROVAL, DAMAGES, ETC.

SEC. 31. If the Board approve the report, and there are no non-consenting land owners, the road must, by order, be declared a public highway and the Road Overseer ordered to open the same to the public. If there are non-consenting land owners, the Board must appropriate from the Road Fund of the district, or General Road Fund, or both, and cause the Road Overseer to tender to such non-consenting land owner, or his agent, the award for damages made by the Board. If the awards are all accepted, the road must be declared a public highway and be opened as before provided.

Road  
declared  
public  
highway.

SEC. 32. If any award of damages, as made by the Board of Supervisors, is rejected by any claimant of damages, such person shall, within ten days after such award by the Board of Supervisors, file with the Clerk of said Board a notice in writing (and the bond hereinafter provided) that he will not accept such award, and in said notice shall state the amount of damages claimed by such person and the reasons therefor. Thereupon, said Clerk shall notify the Chairman of said Board and the District Attorney of the filing of such notice; said Clerk shall also upon filing said notice immediately file all the papers of whatsoever nature or kind connected with said road in the County Court of Butte County, and notify the County Judge thereof, who shall, upon receipt of such notice, set a day for hearing and determining the objections to the award of the Board, and for such purpose the County Court shall always be open. The day fixed for hearing such objections by said Court shall not be less than fifteen nor more than thirty days after the service of said notice upon the County Judge. On the day set for such hearing, or to which the same may be adjourned, the Court shall proceed to hear the evidence upon such objections and upon the part of the petitioners for said road. After hearing all the evidence that shall be presented, the Court shall award and determine the amount of damages sustained by such claimant, and shall enter a decree therefor in such cases, and may at its discretion file its findings of fact. Unless such claimant shall recover at least ten per cent. more under such decree than was allowed by the Board, he shall pay all costs of Court, otherwise the county shall pay such costs; *provided*, that if such claimant shall not within ten days after the award by said Board file the said notice rejecting said damages, then he shall be deemed to have assented thereto, and shall be barred from the aforesaid proceedings in the

Rejection of  
award.

County Court, and from any additional damages. The proceedings had, as in this section provided, shall be final and conclusive upon all parties.

#### BOND.

Rejecter to  
give bond.

SEC. 33. Upon filing the notice provided for in the foregoing section, the claimant of damages rejecting the award of the Board shall file with the Clerk of said Board an undertaking, with two or more sureties, whose qualifications shall be the same as in other bonds provided, conditioned that if such claimant fail to recover at least ten per cent. more than the amount allowed by the Board they will pay to the County of Butte all costs and damages that may be taxed against such claimant.

#### WHEN ROAD OPENED.

SEC. 34. Upon the payment or tender of the damages allowed by the Board of Supervisors, and received or assented to by such claimant, or awarded by the County Court, such lands so taken shall be deemed vested in said county for all the purposes of said road, and the road may then be, by order of the Board of Supervisors, established and opened across the same.

#### WHO DEEMED AGENT OF OWNER.

Who deemed  
agent.

SEC. 35. For all the purposes of this Act the occupant or lessee shall be deemed the agent of the owner over whose land the proposed laying out, alteration, or abandonment of such road may run, and a service upon such occupant, agent, or lessee shall be deemed a service upon the owner of such land for all the purposes of this Act.

#### AWARDS—HOW AND BY WHOM PAID.

Awards;  
how paid.

SEC. 36. All awards by agreement, ascertainment by the Board, or by the proper Court, must be paid out of the Road Fund of the district, on the order of the Board of Supervisors. If the road lies in more than one district the Supervisors must proportionately divide the awards and other costs between them.

#### PRIVATE ROADS—HOW OPENED.

Private  
roads; how  
opened.

SEC. 37. Private or by-roads may be opened for the convenience of one or more residents of any road district in the same manner as public roads are opened. Whenever the Board of Supervisors may, for like cause, order the same to be viewed and opened, the person for whose benefit the same is required paying the damages awarded to land owners, and keeping the same in repair.

CONVEYANCES OR DECREES OF CONDEMNATION OF LANDS TO  
BE RECORDED.

SEC. 38. In all cases where consent to use the right of way for a highway is voluntarily given, purchased, or condemned and paid for, either an instrument in writing, conveying the right of way and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the decree of the Court condemning the same, must be made and filed and recorded in the office of the Recorder of the county, in which the land so conveyed or condemned must be particularly described. Decrees to be recorded.

ROADS CROSSING RAILROADS, CANALS, OR DITCHES.

SEC. 39. Whenever highways are laid out to cross railroads, canals, or ditches, on public lands, the owners or corporations using the same must, at their own expense, so prepare their roads, canals, or ditches that the public highway may cross the same without danger or delay, and when the right of way for a public highway is obtained, through the judgment of any Court, over any railroad, canal, or ditch, no damages must be awarded for the simple right to cross the same. Highway crossing railroad.

REMOVAL OF FENCES, ETC.

SEC. 40. When the alteration of an old or the opening of a new road makes it necessary to remove fences on land given, purchased, or condemned by order of a Court, for road or highway purposes, notice to remove the fences must be given by the Road Overseer to the owner, his occupant or agent, or by posting the same on the fence; and if the same is not done within ten days thereafter, or commenced and prosecuted as speedily as possible, the Road Overseer may cause it to be carefully removed at the expense of the owner, and recover of him the cost of such removal; and the fence material may be sold to satisfy the judgment. Removal of fences.

ERECTION AND MAINTENANCE OF BRIDGES—BRIDGES MAINTAINED, ETC.

SEC. 41. All public bridges, not otherwise specially provided for, are maintained by the road district in which they are situate, the districts which they unite, and the county at large, in the same manner as highways, and under the management and control of the Road Overseer and the Board of Supervisors, the expense of constructing, maintaining, and repairing the same being primarily payable out of the Road Fund of the district, in the hands of the Road Overseer or County Treasurer, and from road poll taxes. Maintenance of bridges.

WHEN COUNTY MAY HELP BUILD BRIDGE.

SEC. 42. Whenever it appears to the Board of Supervisors

County may  
help build  
bridge

that any road district is or would be unreasonably burdened by the expense of constructing or maintenance and repair of any bridge, they may, in their discretion, cause a portion or all of the aggregate cost or expense, as they may deem proper, to be paid out of the General Fund of the county, or out of the General County Fund, or both, or they may levy a special bridge tax therefor, not exceeding one-fourth of one per cent. on the taxable property of the county annually till the amount appropriated in aid thereof is raised and paid.

#### CONSTRUCTION AND REPAIRS.

Construction  
and repairs  
limited.

SEC. 43. No bridge, the cost of construction and repair of which will exceed the sum of three hundred dollars, must be constructed or repaired except on order of the Board of Supervisors. When ordered to be constructed or repaired, the contract therefor must be let out to the lowest bidder, after reasonable notice given by the Board of Supervisors through the Clerk of the Board, by publication at least two weeks in a county newspaper, and if none, then by three posted notices—one at the Court-house, one at the point to be bridged, and one at some other neighboring public place. The bids to be sealed, opened, and contract awarded at the time specified in the notice; the contract, and bond to perform it, must be entered into to the approval of the Board of Supervisors.

#### WHEN ONE OVERSEER FAILS TO AID, WHO MAY REPAIR BRIDGES.

SEC. 44. If the Road Overseer of one road district, after five days' notice from the Overseer of an adjoining district to aid in the repair of a bridge or road in which each are interested, fails so to aid, the one giving notice may make the necessary repairs, and must be allowed a pro rata compensation therefor by the Board of Supervisors out of the Road Fund of the defaulting district.

#### OVERSEER FAILING, HOW BRIDGE REPAIRED.

Overseer  
failing,  
bridge re-  
paired; how.

SEC. 45. If the Overseer of any road district chargeable with the repair of a bridge fails to make the needed repairs, after being informed that a bridge is impassable or unsafe, and is requested to make the same by two or more freeholders of the district in which it is situate, or the two districts which it unites, the freeholders may represent the facts to the Board of Supervisors, who, upon being satisfied that the bridge is unsafe, must cause the same to be repaired, and must pay therefor from the funds of the district chargeable therewith.

#### APPLICATION, ETC., TO CONSTRUCT.

Petition to  
construct  
bridge.

SEC. 46. When a bridge, the cost of which will exceed three hundred dollars, is necessary, any five or more freeholders of the road district interested therein may petition

the Board of Supervisors for the erection of such needed bridge. The Board must thereupon advertise such application, giving the location and other facts, for two weeks in a newspaper printed in the county; if none, then by posters, one at the proposed location, one at the Court-house, and one at some other public place in the county, and notify the Overseer to attend at a certain time and place to hear the application. If found necessary, the bridge to be built.

SEC. 47. On the day fixed to hear the application, proof of the notice given being made satisfactory, the Board must hear the petition, examine witnesses, and determine whether or not a bridge is necessary as petitioned for; if found to be so, the Board must determine the character of bridge to be constructed, prepare plans and specifications, invite bids, let the contract, and have the same erected, and provide for the payment thereof as herein provided.

#### OVERSEER'S REPORT AS TO.

SEC. 48. Road Overseers must in their official reports give a full account of all bridges of which they have in whole or in part the charge or maintenance, those constructed or repaired, and the cost thereof, the amounts expended thereon, from what source derived, and the present and prospective condition thereof.

#### SEMI-ANNUAL MEETINGS.

SEC. 49. The county is responsible for providing and keeping passable and in good repair bridges on all public roads and highways, provided there shall be on hand, in the proper district or General Road Fund, sufficient money therefor, after notice of any defect, and the Supervisors must appoint, semi-annually, a special meeting, at which the Road Overseers, on days set apart for their respective districts, to hear highway and bridge reports and complaints from officers and citizens, when such orders must be made and such action had regarding the same as the public welfare demands.

#### OBSTRUCTIONS AND INJURIES TO HIGHWAYS—HIGHWAY ENCROACHMENTS.

SEC. 50. If any highway duly laid out or erected is encroached upon by fences, buildings, or otherwise, the Road Overseer of the district may, orally or in writing, require the encroachment to be removed from the highway.

#### NOTICE TO REMOVE ENCROACHMENTS.

SEC. 51. Notice must be given to the occupant, agent, or owner of the land, or person causing or owning the encroachment, or left at his place of residence, if he reside in the county, if not, it must be posted on the encroachment, specifying the breadth of the highway, the place and extent of

the encroachment, and requiring him to remove the same within ten days.

PENALTY FOR NEGLECT.

Penalty.

SEC. 52. If the encroachment is not removed or commenced to be removed and diligently prosecuted prior to the expiration of the ten days from the service or posting of the notice, the one who caused, or owns, or controls the encroachment forfeits ten dollars for each day the same continues unmoved. If the encroachment is such as to effectually obstruct and prevent the use of the road for vehicles, the Overseer must forthwith remove the same.

ACTIONS AS TO—WHEN BROUGHT.

Denial of  
encroach-  
ment.

SEC. 53. If the encroachment is denied, and the owner, occupant, or person controlling the matter or thing charged with being an encroachment refuses either to remove or permit the removal thereof, the Road Overseer must commence, in the proper Court, an action to abate the same as a nuisance; and if he recovers judgment, he may, in addition to having the same abated, recover ten dollars for every day such nuisance remained after notice, and also his costs in such action, including reasonable counsel and attorney's fees.

REMOVAL OF THE SAME.

Removal of  
encroach-  
ment.

SEC. 54. If the encroachment is not denied, but is not removed for five days after the notice is complete, the Road Overseer may remove the same at the expense of the owner, occupant, or person controlling the same, and recover his costs and expenses, as also for each day the same remained after notice was complete the sum of ten dollars, in an action for that purpose, and reasonable counsel and attorney's fees.

SEC. 55. Any person or body politic or corporate who shall obstruct, injure, or damage any public highway, either by placing an obstruction therein, or by digging in, deepening, or deviating the waters of any stream, or ditch, or canal within or along any public highway, or by placing or constructing any obstruction, ditch, or canal, or embankment upon their own or other lands, so as to make or cause any water or sediment to flow upon or impair any public highway, or in any other manner injure or obstruct any public highway, shall be deemed guilty of a misdemeanor, and shall be further liable, at the suit of the Road Overseer of the district, in the sum of ten dollars for each and every day such obstruction is allowed to remain after being notified by the Road Overseer of the district, or any member of the Board of Supervisors, to remove or remedy the same, and also reasonable counsel and attorney's fees.

NO GATE ALLOWED, EXCEPT WHERE.

Gates, where  
allowed.

SEC. 56. No gate must be allowed on any public highway duly laid out, except on highways running through lands



subject to overflow to such extent as to remove the fences. When so allowed, they must be erected and maintained at the expense of the owner or occupant at whose request or for whose benefit they were erected. If such expense is not paid, the gate must be removed as an obstruction; *provided*, that on highways newly established the Board of Supervisors may allow gates for such limited time, not to exceed two years, as they may deem reasonable, to enable the owner or occupant of any contiguous land to complete the construction of necessary fences on the line of such highway.

PENALTY FOR LEAVING OPEN GATES, OR RIDING OFF THE ROAD.

SEC. 57. Any one who leaves open such gate, or willfully or unnecessarily rides over ground adjoining the road on which the gate is erected, forfeits to the injured party treble damages. Penalty.

PENALTY FOR INJURING MILE-STONE AND GUIDE-POSTS.

SEC. 58. Whoever removes or injures any mile-board, or mile-stone, or guide-post, or any inscription on such, erected on any highway, is liable to a penalty of ten dollars for every such offense, and shall be deemed guilty of a misdemeanor. Misdemeanor.

REMOVAL OF FALLEN TREES.

SEC. 59. Any person may notify the occupant or owner of any land from which a tree or other obstruction has fallen upon any highway, to remove such tree or obstruction forthwith. If it is not so removed, the owner or occupant is liable to a penalty of one dollar for every day thereafter till it is removed, and the cost of removal, and shall be deemed guilty of a misdemeanor. Same.

UNAUTHORIZED FALLING OF TREES.

SEC. 60. Whoever cuts down a tree so that it falls into any highway, must forthwith remove the same, and is liable to a penalty of five dollars for every day the same remains in such highway, and shall be deemed guilty of a misdemeanor. Same.

NOTICES, ETC., ON BRIDGES.

SEC. 61. Road Overseers must put up on bridges having a span of forty feet or over, under their charge, notices that there is "five dollars fine for riding or driving on this bridge faster than a walk." Whoever, thereafter, rides or drives faster than a walk on such bridge is liable to pay five dollars for each offense, and shall be deemed guilty of a misdemeanor. Bridge notice.

DESTROYING TREES.

SEC. 62. Whoever digs up, cuts down, or otherwise injures

Trees  
injured.

or destroys any shade or ornamental tree, unless the same may be deemed an obstruction by the Road Overseer, and removed under his directions, planted or standing on any highway, forfeits twenty-five dollars for each such tree.

#### APPLICATION OF PENALTIES.

SEC. 63. All penalties or forfeitures given in this Act, and not otherwise provided for, must be recovered by the Road Overseers of the respective road districts, and be paid into the county treasury, less the costs, and thereupon the Treasurer must set the same apart to the district where collected.

#### COUNTY TREASURER.

Duty of  
Treasurer.

SEC. 64. The County Treasurer must, before the first day of January and first Monday in July of each year, or as soon thereafter as practicable, cause to be printed, respectively, of two and three dollars, blank poll tax receipts. The style of such blanks must be changed every year. He must, before the first day of January of each year:

*First*—Number and sign the two dollar blanks; and before the first Monday in July number and sign the three dollar blanks.

*Second*—At the time of signing, make an entry of the whole number thereof, and of the first and last number placed thereon, in a book by him kept for that purpose.

*Third*—Deliver all such blanks to the Auditor, and charge him therewith.

*Fourth*—Upon the return of the receipts by the Auditor, as provided in section sixty-five of this Act, the Treasurer must seal them up securely and deposit them in his office.

*Fifth*—All money paid to the Treasurer by the Road Overseers, collected by them for road poll tax, shall be used for road purposes within the road districts wherein collected, and shall be paid out by said County Treasurer upon warrants drawn upon said fund by the Auditor upon the order of the Board of Supervisors.

#### AUDITOR.

Duty of  
Auditor.

SEC. 65. The Auditor, upon the receipt of the blanks mentioned in subdivision third, section sixty-four of this Act, must sign the same and make, in a book to be kept by him for that purpose, a similar entry to that prescribed in subdivision second of section sixty-four of this Act. He must, at any time on or after the first day of January and first Monday in July, deliver to the Road Overseers, in their order, the two and three dollar blanks, and charge them therewith. The Auditor must, as soon as the settlements are made by the Road Overseers, as provided in section sixty-six of this Act, return to the Treasurer the receipts not used.

ROAD POLL TAX RECEIPTS, ETC.

SEC. 66. On the first Monday in July the Road Overseers must return to the Auditor all two dollar blank poll tax receipts received by them and not used, and pay to the Treasurer the total amount collected and not before paid in, less the amount of their percentage; and the Auditor must deliver to them so many of the three dollar receipts as each may desire; and on the last judicial day in December of each year, the Road Overseers must return to the Auditor all the three dollar poll tax receipts received by them and not used, and make a final settlement with the Auditor and Treasurer therefor.

SEC. 67. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 68. This Act shall take effect and be in force on and after its passage.

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CHAP. CCCXV.—[See volume of *Amendments to the Codes*.]

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CHAP. CCCXVI.—*An Act to confirm the title to certain property on the water front in the City and County of San Francisco.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

PREAMBLE.

WHEREAS, the State of California by an Act, approved May 18th, 1853, entitled "An Act to provide for the sale of the interest of the State of California in the property within the water line front of the City of San Francisco as defined in and by the Act entitled "An Act to provide for the disposition of certain property of the State of California," passed March 26th, 1851, authorized the Governor of the State to appoint, by and with the advice and consent of the Senate, five Commissioners, to enter upon and take possession, and by sale dispose of all the property and interests of property of the State of California within the water front line of said city, as defined by Act of March 26th, 1851, with power to ascertain the extent, nature, and character of such property; and whereas, the Governor did appoint, by and with the advice of the Senate, such five Commissioners, who, under the provisions of said Act of May 18th, 1853, did ascertain, take pos-

session of, and map the property embraced in said Act, and therein provided to be sold, and among other property said Commissioners did take possession of, map, and sell the lots and parcels of land embraced in that certain block of land situated in said city and bounded on the west by Drum Street, on the north by Pacific Street, on the east by a line drawn parallel to Drum Street and 137½ feet distant easterly therefrom, and on the south by Jackson Street, a portion of which lots and parcels of land it is now believed lie outside the then water front line, which portion was taken possession of, mapped, and sold by said Commissioners under a misapprehension as to the true location of the water front line as established by the said Act of March 26th, 1851; and whereas, the said State Commissioners sold the lots and parcels of land embraced within the boundaries aforesaid, and the purchasers bought the same and paid the purchase money therefor into the treasury of the State in good faith, and under the misapprehension aforesaid, and under deeds executed by said Commissioners on behalf of the State the said purchasers and assignees have held the quiet possession of said property for a period of twenty years and upwards, have at great expense reclaimed the same from the waters of the bay and covered them with buildings, and thereby given the property a value many times greater than the original cost, by reason of all which said purchasers have become at least equitably entitled to said property; therefore, be it enacted:

Deeds ratified and confirmed.

SECTION 1. That the deeds of conveyance of the several lots of land embraced within the block of land situate in the City and County of San Francisco, and bounded on the west by Drum Street, on the north by Pacific, on the east by a line parallel to Drum Street, and 137½ feet easterly therefrom, and on the south by Jackson Street, made by the State Land Commissioners appointed under the Act of the Legislature of this State entitled "An Act to provide for the sale of the interests of the State of California in the property within the water line front of the City of San Francisco, as defined in and by the Act entitled 'An Act to provide for the disposition of certain property of the State of California, passed March 26th, 1851,' approved May 18th, 1853," be and they hereby are severally legalized, ratified, and confirmed, and shall be deemed held and taken to convey as upon their face they purport to convey to the person or persons in said deed named as grantees, and to their heirs and assigns, all the right, title, and interest of the State of California in and to the parcels of land in said deeds described, "excepting, however, from the above confirmation that parcel of said land bounded as follows, to wit: Commencing at a point on the north line of Jackson Street, distant seventy-two feet easterly from the northeast corner of Jackson and Drum Streets; thence northerly and parallel with Drum Street forty feet; thence at right angles easterly fifty feet; thence at right angles southerly forty feet to Jackson Street; thence westerly along Jackson Street to point of beginning; the title to which last described parcel of land is confirmed to the person holding

the possession thereof, by himself or tenants, under purchase and claim of title.

SEC. 2: And be it further enacted, that if the line for a harbor embankment or sea-wall of the Port of San Francisco, adopted on the twelfth day of September, one thousand eight hundred and seventy-seven, by the Governor, the Mayor of the City and County of San Francisco, and the State Harbor Commissioners, and indicated on the maps filed in the office of the Board of State Harbor Commissioners, and of the Recorder of the City and County of San Francisco, shall be ratified and confirmed by the Legislature as the "water front line" of said city and county, and the State Harbor Commissioners shall be authorized and directed to lay out and open along such water front line a thoroughfare for public use, and any portion of the property, the title to which is confirmed by the provisions of section one of this Act, shall be required for the purposes of such thoroughfare, the State, upon paying to the confirmees, or their successors in interest, the value of such portion, may appropriate the same for the purposes aforesaid; such value to be ascertained and determined by three arbitrators to be appointed as follows, to wit: One by the Board of State Harbor Commissioners, one by the owners of the property to be appropriated, and the third by the Judge of the 4th Judicial District of the State of California. The three so appointed shall consider and determine the value of the property to be appropriated, and shall certify their valuation thereof to the Board of State Harbor Commissioners. The valuation so determined and certified shall be conclusive and binding upon all parties.

Water front line confirmed.

Arbitrators appointed.

SEC. 3. The Board of State Harbor Commissioners shall, on the part of the State, pay to the confirmees, whose property shall be so required as aforesaid, or to their successors in interest, the value of the property as determined and certified to said Board by said arbitrators, out of the Harbor Improvement Fund.

CHAP. CCCXVII.—*An Act to authorize the issuance of bonds for the payment of damages for the widening and extension of Los Angeles Street, in the City of Los Angeles.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The compensation determined by and the award of damages made by the Commissioners, and confirmed by the County Court of Los Angeles County, in the action or proceeding for the widening and extension of Los Angeles Street, in the City of Los Angeles, in which the City of Los Angeles is petitioner, and H. Newmark et als., respondents, the petition therein being filed in said Court on the

Compensation to be paid by assessments.

12th day of September, A. D. 1877, and now assessed in conformity to the provisions of the charter of the City of Los Angeles, approved April 1st, 1876, upon the district hereinafter described as benefited by said widening and extension, shall be paid by assessments levied and collected in manner hereinafter provided.

Boundaries  
defined.

SEC. 2. The district benefited by said improvement, and upon which the cost of making the same shall be assessed, is hereby described and designated as follows: Beginning at the northeast corner of Los Angel Requena Street; thence easterly along the north line of Requena Street to the southeast corner of the estate of M. Requena, deceased; thence northerly along the east line of said Requena estate to the south line of the estate of Jacob Bell, deceased; thence along the south line of said Bell estate to the southeast corner thereof; thence northerly along the east line of said Bell estate to the south line of the lot of J. Schumacher; thence easterly along said Schumacher's south line to the southeast corner thereof; thence northerly along Schumacher's east line to the lot of H. Heinsch; thence northerly along Heinsch's east line to a point in the south line of Commercial Street; thence northerly across Commercial Street to the southeast corner of a parcel of land owned by B. Cohn; thence northerly along the east line of said Cohn's lot to the northeast corner thereof; thence along the south line of a parcel of land owned by the estate of Alexander Bell, deceased, to the southeast corner thereof; thence northerly along the east line of said Bell estate to the south line of Aliso Street; thence northeasterly across Aliso Street to the southeast corner of a parcel of land owned by P. Beaudry; thence northerly along the easterly line of said Beaudry's land to the northeast corner thereof; thence easterly along the south line of a parcel of land owned by Pierre and Juana Laronde to the west line of Alameda Street; thence northerly along the west line of Alameda Street to the northeast corner of a lot owned by Mary F. de Cassagne, said northeast corner being seventy-five (75) feet south of the south corner of Macy and Alameda Streets; thence westerly along the north line of said Mary F. de Cassagne's lot to the easterly line of Olvera Street; thence southwesterly along Olvera Street to the north side of the public plaza; thence westerly along the plaza to the northwest corner thereof; thence southerly to the southwest corner of the plaza; thence easterly to a point opposite the easterly line of Sanchez Street; thence southerly along the east line of Sanchez Street and its prolongation to a point in the south line of Arcadia Street; thence westerly along the south line of Arcadia Street to the southeast corner of Main and Arcadia Streets; thence southerly along the east line of Main Street to the southwest corner of a lot or parcel of land owned by Mrs. Arcadia B. de Baker; thence easterly along Mrs. A. B. de Baker's south line to an angle; thence southerly along a brick wall to a point 103½ feet westerly from the southeast corner of the Arcadia Block; thence southerly along the west lines of the lots of S. C. Foy and A. W. Barrows to the southwest corner of the last mentioned lot;

thence easterly along Barrow's south line to the northwest corner of lot of O. W. Childs; thence southerly along Childs' west line to the southwest corner thereof; thence westerly along the north line of J. W. Hellman's to the northwest corner thereof; thence south along Hellman's west line to a point in the north line of a lot owned by J. G. Downey and W. Cardwell; thence westerly parallel to the north line of Commercial Street and about sixty (60) feet distant therefrom to a point in the northwest corner of a lot owned by C. Ducommun; thence southerly along the division line between the lots of C. Ducommun and Josephine Griffins to a point in the north line of Commercial Street; thence southerly across Commercial Street to the northwest corner of the lot of Jean Barre; thence southerly along the west line of Jean Barre's and the lot belonging to the estate of John Goller, deceased, to the southwest corner of the last mentioned lot; thence westerly along the north line of a lot owned by Arthur J. Hutchinson to the northwest corner thereof; thence southerly along the west line of lots belonging to Arthur J. Hutchinson, Josefina Mellus, and C. W. Bush to a point in the north line of Requena Street; thence easterly along the north line of Requena Street and across Los Angeles Street to the point of beginning. The above description is intended to embrace and include those parcels of land lying on the east and west sides of Los Angeles Street and the proposed extension thereof, from the northerly line of Requena Street to the westerly line of Alameda Street, also all lots or parcels of land on cross streets within one hundred (100) feet of the east and west sides of Los Angeles Street; reference being had to a list of assessments on the Book of Liens for the City of Los Angeles in the matter of the extension of Los Angeles Street.

Boundaries defined.

SEC. 3. For the payment of all damages and compensation fixed, determined, and allowed by the final confirmation of the report of the Commissioners in said petition and proceeding of the City of Los Angeles vs. H. Newmark, et als., the Council of the City of Los Angeles shall cause to be prepared and issue bonds of the City of Los Angeles, in such form as it may prescribe, no sums not less than one hundred dollars each, and not more than one thousand dollars each, for such an amount as shall be necessary by the sale of such bonds to pay and discharge all such damages and compensation. Said bonds shall be known and designated as the Los Angeles Street Bonds, and shall be payable in twenty years from their date, unless sooner redeemed as in this Act provided, and shall bear interest at seven per cent. per annum, payable semi-annually at the office of the City Treasurer in the City of Los Angeles. Coupons for the interest shall be attached to each bond, so that they may be removed without injury or mutilation to the bond. Such bonds and coupons, consecutively numbered, shall be signed by the Mayor of the City of Los Angeles and the Clerk of the Council, and the seal of said city shall be affixed to each bond. The lithographed signature of the Mayor may be affixed to the coupons.

Issuance of bonds.

Sale of  
bonds.

SEC. 4. The Council of said city may, at any time after the issuance of said bonds, advertise at least one week in some daily newspaper published in the City of Los Angeles that said bonds have been issued, and that the same will be delivered at their par value to the owners of the property sought to be condemned in said proceeding, and if, after thirty days, all the owners of property described in the petition in said proceedings agree to accept the same, the Council shall, on the receipt of the proper deeds and acquittances, deliver to said parties a sufficient amount in bonds to pay said compensation; and the title of said land shall hereupon vest in said city, but if, after thirty days from the last advertisement, the Council shall determine that all of the owners of the property sought to be condemned in said proceedings have not agreed to accept said bonds, then the Council shall cause the same to be sold, but at a price not less than eighty per cent. of their par value, and it shall be the duty of the Mayor of said city, the City Treasurer, and Clerk of the Council of said city to make out and return to the Council of said city, within thirty days after the disposal of said bonds, a list thereof, showing the number and amount of each, and to whom delivered, and for what purpose, which report shall be entered in full upon the minutes of the Council, and the original preserved in the office of said Clerk; and it shall be the further duty of the City Treasurer to enter such lists in a suitable book, which shall be preserved in his office, and in the event of said bonds not being disposed of, as herein contained, within one year from the issuance thereof, then the Council of said city shall proceed with the original proceedings for the collection of the assessment, as if this Act had not been enacted; and all persons are prohibited from taking advantage of any limitation of time by reason of failure to act of the Council of said city, or any of its officers, in any matter relating to the collection of the assessment now levied.

Payment of  
damages.

SEC. 5. If the bonds are sold, it shall be the duty of the Council of said city to direct the Treasurer to pay the amount received therefor, or so much thereof as may be necessary, into the said County Court, in payment of damages and compensation awarded by said Commissioners and confirmed by said Court in said action or proceeding of said City *vs.* H. Newmark et als.; and the Court shall, at any time, on proof being made that the respective amounts of damages awarded and confirmed to the parties in interest in said suit have been paid to them or into Court, shall cause or order to be entered in the minutes, describing the property, setting forth the ascertainment of compensation and the payment as aforesaid, and adjudging and decreeing that said City of Los Angeles have, hold, and enjoy the said property for public use and as decreed in said order, as fully as if the same had been conveyed to it by the owners and other parties in interest and made parties to such proceedings. A certified copy of the order, as entered, may be recorded in the Recorder's office of the county, in like manner and with



like effect as if it was a deed of conveyance to the corporation from the parties defendant to such proceedings.

SEC. 6. There shall be levied, assessed, and collected annually by the Council of said city, through its Surveyor, Assessor, or other employé, at the time other taxes are levied assessed, and collected in said city, a tax upon the lands described in section two (2) of this Act, sufficient to pay the interest on said bonds as the same matures; said tax to be collected out of said land only. The levying of the tax therefor, however, shall be adjusted and distributed according to the front feet of the respective parcels of land as at present determined and described in the assessment, as declared and defined by the Council of said city and entered on the docket of city liens, January 12th, 1878, which is hereby referred to. When collected, the said moneys shall be paid over to the Treasurer of said city, and constitute a part of the Los Angeles Street Fund, and to be paid out by said Treasurer only in payment of the coupons attached to said bonds, as the same from time to time become due. There shall be also levied, assessed, and collected annually, at the time and in the manner, and upon the same lands, and in accordance with the same rule of assessments as provided in this section, an additional tax upon each hundred dollars valuation, sufficient to raise one-twentieth of the the principal of said bonds, which shall constitute a sinking fund for the redemption of said bonds. Said moneys, when collected, shall be paid over to the Treasurer of said city, and shall constitute the Los Angeles Street Fund, and shall only be paid out in redeeming the bonds issued in pursuance of the provision of this Act. Whenever the said Treasurer shall have in his custody five thousand dollars or more belonging to said Los Angeles Street Fund as a sinking fund, it is hereby made his duty, and he shall advertise daily for the surrender of said bonds, for the space of ten days, Sundays and legal holidays excepted, in three daily newspapers published, one in the City of Los Angeles and two in the City of San Francisco, for sealed proposals, to be opened after the expiration of ten days, by the Treasurer, in the presence of the Council, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money in the custody of said Treasurer for the purpose of redemption, and he shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greater amount of bonds, until the amount of cash on hand for redemption is exhausted; *provided, however*, that if a sufficient amount of bonds shall not be offered, as aforesaid, to exhaust the sinking fund to a less amount than one thousand dollars, then it is hereby made the duty of said Treasurer to advertise in two daily newspapers, one of which shall be published in the City of Los Angeles and the other in the City of San Francisco, for the period of sixty days, Sundays and legal holidays excepted, which advertisement shall state the amount in the sinking fund and the number of bonds, numbering them in the order of their issuance, which such fund is set apart to pay and discharge; and if said bonds so numbered in such adver-

Interest tax.

Redemption Fund.

Redemption of bonds.

tisement shall not be presented for payment and cancellation within thirty days after the expiration of the publication of said advertisement, then said fund shall remain in the treasury to discharge such bonds whenever presented; but they shall draw no interest after publication of said last mentioned notice shall have expired. All bonds and coupons redeemed, as aforesaid, shall be canceled by the Treasurer, in the presence of the Council. The Treasurer shall keep a full and accurate account and record of all his proceedings under this Act, and of the bonds redeemed and surrendered; and all books and papers pertaining to matters provided for in this Act shall, at all times during office hours, be open to public inspection. Taxes levied to pay the interest on said bonds may be paid by the surrender, to the Tax Collector of said city, of such coupons as shall mature within the then current fiscal year; and the said Tax Collector shall turn the same over to the Treasurer, who shall receive the same as cash.

Duty of  
Treasurer.

Removal of  
obstructions.

SEC. 7. After the order of condemnation shall have been entered by said Court the Council shall, at the expense of said City, proceed to remove any and all buildings and obstructions on the line of said Los Angeles Street, as widened and extended, and any person interfering with or attempting to prevent any person duly authorized by the Council to remove said buildings or obstructions, shall be deemed guilty of a misdemeanor.

Disposal of  
materials.

SEC. 8. The material composing the buildings and obstructions so removed may be disposed of as the Council of said City may see fit, and the proceeds of all sales to be applied as far as it will go to the payment of the expense of so removing said buildings and obstructions, and the balance, if any, to be deposited in the General Fund.

Lien to  
remain.

SEC. 9. And it is hereby provided that the lien now existing upon the land described in section two of this Act, by reason of the assessment declared by the Council of said city, on account of said proceedings and confirmation of the report of the Commissioners therein and docketed on the Book of Liens of said city, shall remain a lien upon the land described in section two of this Act until the payment of the amount for which it is therein assessed, but the owner or owners of the respective pieces of land subject to such lien contained in the description specified in said section two shall have the right at any time to pay the amount assessed and remaining due and unpaid, and thereupon the respective piece or parcel shall be free from such lien, and it shall be the duty of the Clerk of the Council to mark in said Book of Liens, opposite the parcel of land described and on which the assessment is paid, the words "paid in full and lien discharged."

Council may  
pursue  
action.

SEC. 10. And it is further provided, that nothing in this Act contained shall prevent the Council of said city from pursuing the said action or proceeding against said H. Newmark et als., or any of the defendants therein, as by law provided when said action or proceeding was commenced, provided there should be a failure to collect within the time provided by law or act of the Council. The assessments

provided for by this Act, by reason of the refusal of the owner of the land assessed to pay the assessment levied, or by payment under protest, and on such failure to collect for such cause, or if the amount assessed is paid under protest, the Council of said city may proceed to collect the assessments as now provided by law, and warrants may be issued in form now provided for in charter of said city, and on failure to pay the amount of the assessment levied, the same proceedings may be taken as if this Act had not been enacted, and all rights and powers in the premises for the assessment and collection of said assessment remain in force and effect the same as if this Act had not been enacted, and the owners of the land assessed are hereby estopped and prohibited from taking advantage of any limitation of time regarding any act or failure to act on the part of the Council, of the city, or any of its officers in any matter or thing relating to the collection of said assessment now levied, and all the acts and proceedings in said proceeding of the City of Los Angeles vs. the said H. Newmark et als., including the order of confirmation and assessment, are hereby declared valid and binding on all the parties named in said proceeding.

SEC. 11. This Act shall take effect immediately.

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CHAP. CCCXVIII.—*An Act for the relief of bondsmen herein named.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That Wong Sing and Wong Mow, of the City and County of San Francisco, be and they are hereby released and relieved from all liability on those two certain bail bonds, each in the sum of three thousand five hundred dollars, payable to the people of the State of California, dated and approved September 13th, A. D. 1877; the one conditioned for the appearance of one Wong Ah Ping, and the other conditioned for the appearance of one Tong Yek, in whatever Court the charge in said bail bonds mentioned should be prosecuted.

Release from liability.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXIX.—*An Act to authorize the settlement of certain taxes due on certain portions of the Lick Estate, and to cancel the liens against the same.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Property  
exempted  
from tax  
upon condi-  
tions.

SECTION 1. Upon the payment of the sum of fifteen thousand nine hundred and sixty-six  $\frac{7}{10}$  dollars to the Tax Collector of the City and County of San Francisco for taxes for the fiscal year of 1868 and 1869, which are now due, unpaid and delinquent, the estate known as the James Lick Estate shall be exempted from the payment of any further sums for taxes for said fiscal year of 1868 and 1869, and the percentage and interest accruing upon the same; and the said estate and each and every portion of the same on which the said taxes of 1868 and 1869, and the percentage and interest accruing thereon, have been or are at this time a lien, are hereby released from the operation and effect of said lien or liens and are declared to be forever discharged therefrom; *provided*, that any person employed by the Board of Supervisors of the said City and County of San Francisco, under the provisions of a law of the State of California entitled "An Act for the collection of delinquent taxes in the City and County of San Francisco," approved April 3d, 1876, to collect the taxes mentioned and included in said Act, shall, within sixty days after the passage of this Act, submit whatever claim or claims he may have against the said Lick Estate, under the said Act of 3d April, 1876, to the Nineteenth District Court of said City and County, and the said Court shall hear and determine, upon the proofs presented, what such services of the said special counsel are reasonably worth, and the said Court shall certify its judgment to the Trustees of the Lick Estate; and the said Trustees are hereby authorized and required to pay the same within twenty days from the presentation of the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXX.—*An Act relating to the Coroner of Santa Clara County.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Fees of  
Coroner.

SECTION 1. The Coroner of the County of Santa Clara shall receive for his services compensation as follows: For general services in holding an inquest, ten dollars; for each witness subpoenaed, twenty-five cents; for each mile neces-

sarily traveled in attending an inquest, fifteen cents; for directing or attending the interment of each body, upon which an inquest has been held, two dollars; which fees, in all inquests, shall be paid out of the effects of the deceased, if any—if not, from the county treasury; for swearing each witness or juror, twenty-five cents; for writing down testimony, when the work is done by the Coroner himself, fifteen cents per folio; when the same is done by a short-hand reporter, twenty cents per folio.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCXXI.—*An Act to confer further powers upon the Board of New City Hall Commissioners for the City and County of San Francisco.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of New City Hall Commissioners for the City and County of San Francisco are hereby authorized and empowered, as in their judgment shall be best for the public interests, to settle, arrange, adjust, and pay such sums as said Board shall determine, and out of the "New City Hall Fund," for the work heretofore done and materials heretofore furnished and used in the plumbing of the east wing of the building in the said city and county known as the New City Hall.

Power  
conferred  
on Board.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCXXII.—*An Act to enable the City of Oakland to acquire and maintain public water-works.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. At the next municipal election held in the City of Oakland, after the passage of this Act, the Council of said city may, in their discretion, cause to be submitted to the qualified electors thereof, the question whether the said city shall acquire and take by process of condemnation for the use of said city, the property, works, and franchises of the Contra Costa Water Company. In the notice or proclamation made for the calling of said municipal election, it shall be stated that the question of said purchase will be

Question to  
be submitted  
to people.

submitted to the electors of said city. The Council shall cause to be printed and provided at the several polling places ballots of two kinds, but similar in appearance, as required by law; upon one of which shall be printed the words "For the purchase of water-works—yes," and upon the other kind of which shall be printed the words "For the purchase of water-works—no."

Result of  
election  
declared.

Condemna-  
tion of  
property.

Commis-  
sioners  
appointed.

Short-hand  
reporter  
appointed.

SEC. 2. At the time and in the manner provided by law for canvassing the votes cast at such municipal election, the Council of said city shall canvass the votes cast for and against the proposed purchase, and shall declare the result and cause the same to be entered upon its minutes. If it shall be found that two-thirds of all the votes cast at such election for and against the proposed purchase are against the same, then no further proceedings thereon, or in relation thereto, shall be had or taken, excepting as hereinafter provided; but if two-thirds of said votes shall be in favor of the proposed purchase, the said Council shall cause an action to be commenced in the District Court of Alameda County for the condemnation of the property, works, and franchises of the Contra Costa Water Company, and for the purpose of ascertaining and determining the sum or amount of compensation to be paid to the said company, or to owners or claimants of the said property, works, and franchises by reason of the appropriation of the same to the use of said City of Oakland. In such action the said city shall be plaintiff, and said Contra Costa Water Company, and all others claiming any interest in said property, works, or franchises, shall be defendants, and the form of complaint and all proceedings in said action shall be conducted in the manner prescribed by Title Seven, of Part Three, of the Code of Civil Procedure of this State, excepting as is herein otherwise provided. The said District Court shall appoint five disinterested and impartial persons as Commissioners to ascertain and report to said Court the value of the property, works, and franchises sought to be condemned. Two of said Commissioners shall be named by the said Council, two by the said Contra Costa Water Company, and one by the Court. The Court shall designate the time and place of the first meeting of said Commissioners, and the time when their final report shall be made, which may be extended if the Court shall deem it necessary so to do; all the evidence taken by said Commissioners shall be filed with their report. Within ten days after the filing of said report either party may object to the same, and the Court, after hearing such objections, shall confirm or set aside the report, or may modify the same as it may deem to be just and proper, or may cause the inquiry to be re-submitted to the same or other Commissioners. If new Commissioners are ordered they shall be named and appointed as above provided. The Court shall, if it deem it necessary, allow the Commissioners the services of a short-hand reporter to take and transcribe the evidence, and the fees of such reporter shall be the same as is provided by law for Court Reporters, which shall be allowed as costs in the case. Each of said Commissioners

shall be allowed five dollars per day for each day's attendance at the sessions of the Commission, which shall also be allowed as costs in the case.

SEC. 3. In assessing and determining the compensation to be paid to the owners and claimants of the property, works, and franchises, by reason of the appropriation thereof to the use of the City of Oakland, the Commissioners shall consider such property and works as a whole, taken in connection with the franchises under which the same is held, the use to which such property and works are applied, and their adaptability to such use, together with their present condition and state of repair, and shall assess and fix a gross sum as the entire amount to be paid to the owners and claimants thereof.

Compensation; how determined.

SEC. 4. When any judgment for the condemnation of the property mentioned in the preceding sections of this Act, and for the compensation to be made therefor shall have become final, the Council of said city shall make payment of the amount of said judgment as hereinafter provided.

SEC. 5. For the purpose of providing the means for completing the purchase authorized in this Act, the Council of said city shall cause to be prepared, executed, and issued the bonds of said city, for such aggregate amount as may be necessary therefor, which bonds shall be known as the "Water-works Bonds" of said city; and for the payment thereof, with the interest on the same, the faith of said city shall be pledged, and the same shall be a lien upon such water-works, and all the property, real and personal, pertaining thereto, and the revenue and income thereof until fully paid.

Bonds issued.

SEC. 6. The bonds so issued shall be in such form, and executed by the Mayor and Treasurer of said city, and shall have the seal of said city affixed thereto, and shall be in sums not exceeding five thousand dollars each; shall be payable at the office of the Treasurer of said city twenty years from their date; shall bear interest at such rate as may be prescribed by said Council, not exceeding seven per cent. per annum, payable semi-annually at the office of said Treasurer, and have interest coupons attached for the several installments of interest to fall due thereon; principal and interest to be payable in gold coin of the United States, or its equivalent,

Form and requirements of bonds.

SEC. 7. Such bonds, to the extent of the purchase price so fixed or agreed upon and approved, may be delivered directly to the parties entitled thereto, if they shall be willing to receive the same at par, dollar for dollar, on account of such price; otherwise, such bonds shall be sold for the highest price which can be obtained therefor, at not less than the par value thereof, in gold coin of the United States, after thirty days' public notice inviting bids therefor, published in one or more daily papers of general circulation in the City of Oakland, and in the City and County of San Francisco; and from the proceeds of the sale thereof the purchase price, so fixed and determined upon, may be paid directly to the parties entitled thereto; but no such payment, either in bonds or money, shall be made to said

Sale of bonds.

parties unless they shall, at the time of receiving the same, make, execute, and deliver a good and sufficient deed of conveyance of all the property, water-works, and rights sought to be acquired and included in the decree of condemnation.

Refusal to  
accept pur-  
chase price  
fixed.

SEC. 8. If the owners and claimants of such property shall be unwilling to accept the purchase price so fixed and determined upon, and make the deed of conveyance provided for in the last preceding section, or by reason of conflict of, or adverse claim, shall be unable to make such deed of conveyance, there shall be paid into the Court in which such price was so fixed and determined upon, out of the proceeds of the sales of said bonds, in gold coin of the United States, for the use and benefit of the parties entitled thereto, the amount of money so fixed and determined upon as the compensation to be paid by reason of the appropriation of such property to public use; and thereupon the Court shall order a certified copy of its final judgment and decree condemning the property and works to public use to be recorded in the office of the County Recorder of Alameda County, and in the Recorder's office of every county in which any portion of such property is situate. The money so deposited may, at any time thereafter, be paid over to the parties entitled thereto, upon order of the Court duly entered; and if there is a conflict of claim thereto, or to any part thereof, the Court shall hear all the claimants in relation thereto, and may take proofs thereon, and may submit any issues of fact that arise thereon to a jury, and shall finally adjudge and determine the rights of the respective parties, and enter judgment accordingly; and from such judgment an appeal may be taken to the Supreme Court, as in other civil cases. All costs of the proceedings provided for in this Act, up to and including the final decree of condemnation, except when otherwise specially ordered by the Court, shall be paid by said city; but to any proceedings that may be had subsequent to the entry of such decree of condemnation, for the purpose of determining the rights of the claimants to the fund so paid into Court, said city shall not be a party nor in any way liable for the costs thereof.

Costs; how  
paid.

Possession of  
property,  
etc., not  
taken till  
when.

SEC. 9. No possession of such property, nor of any part thereof, nor any interference therewith, shall be taken or had by said city until the purchase price thereof shall have been actually paid to the parties entitled thereto, and a deed therefor received, or until such price has been paid into Court, and after a decree of condemnation has been entered, as hereinbefore provided; but immediately upon the making of such payment and receipt of such deed, or payment into Court, said city, by its proper officers, agents, or servants, may enter into the full possession of said property, and of every part thereof, and thereafter control and manage the same as the public property of said city; and if upon the entry of such decree and the exhibition of a certified copy thereof to the parties in possession, in case an appeal shall have been taken, and the remittitur of the Supreme Court affirming the same, and the payment of the purchase money



to the parties entitled to the same, or the depositing of the money in Court, as hereinbefore provided, they refuse to surrender the possession to said city, the Court shall, by order, direct the Sheriff to put said city into the full and exclusive possession of such property and works, and every part thereof.

SEC. 10. If any of said bonds shall remain unsold after paying such purchase price and the legal expenses provided for in this Act, the same shall be immediately canceled; and if any money shall remain on hand, arising from the sale of such bonds, after paying such purchase price, and legal expenses, the same shall be paid into the Water-works Fund provided for herein.

SEC. 11. Whenever said city shall have acquired water-works under this Act, the Council shall appoint three competent persons, not members thereof, residents and taxpayers in said city, who shall be and constitute a Board of Water-works Commissioners of said city, who shall take the oath of office provided by law, and hold their offices for the term of three years; *provided*, that the first Board so appointed shall be appointed one for one year, one for two years, and one for three years; and thereafter said Council shall annually appoint one member of said Board for the term of three years. Any vacancy occurring in said Board shall be filled by the appointing power for the unexpired term, and for good and sufficient cause the Council may remove any of said Commissioners.

SEC. 12. The Board of Commissioners shall provide an office for the transaction of the business connected with the management of the water-works, and may appoint a Secretary and such clerks, book-keepers, superintendents, engineers, mechanics, and laborers as shall be necessary for the faithful and economical management of all the business appertaining to said water-works, the collection of its revenues, and the keeping of said works in good order, condition, and repair. The Board shall prescribe the duties and fix the compensation of all such employés, and shall require of all employés having the receiving, retention, or disbursement of any of its revenues such security as shall be adequate to protect the interests of the city.

SEC. 13. The Board shall have charge and supervision of the water-works, and of all the property, appurtenances, and business belonging thereto; and shall, subject to approval of the Council of the city, prescribe and enforce regulations, rules, and rates for the sale and delivery of water, and the collection of the revenues arising therefrom, and collect the cost from the owners of property for laying pipes through the city for supplying such water. The Council shall provide by ordinance for the punishment by fines of any violation of the ordinances, rules, and regulations established for the government, management, and protection of the water-works, and of willful injury to the property pertaining thereto. The City Attorney shall be the legal adviser of the Board of Water-works Commissioners.

SEC. 14. All the revenues and income from said water-

Revenues,  
etc.; paid  
how.

works shall be paid weekly into the treasury of the city, and duplicate receipts taken therefor, one of which shall be filed in the office of the Secretary of the Board, and the other in the office of the proper auditing officer of the city. The money so paid into the treasury shall be kept in a separate fund, to be known as the "Water-works Fund," out of which shall be paid the salaries and wages of officers and employes of said water-works, and expenses of maintaining and operating said water-works; and also, during the first year, the interest falling due upon the water-works bonds provided for in this Act. No money shall be paid out of said fund for any purpose other than the redemption of interest coupons falling due on said bonds, or the salary of the President of said Board, in case a salary is allowed that officer, except upon warrant signed by the President and Secretary of the Board, countersigned by the proper auditing officer of the city. If a salary is allowed said President, the warrant for the payment of the same must be signed by the Mayor of the city, and countersigned by the proper auditing officer, before the same can be paid.

Bond Fund.

SEC. 15. On the thirty-first or last business day in December in each year after the creation of said "Water-works Fund," all money remaining in said fund in excess of the amount of the accrued demands against the same shall be transferred to a separate fund, to be known as the "Water-works Bond Fund," and thereafter the interest accruing upon the water-works bonds, issued under this Act, shall be paid out of said last named fund, and all the balance of the money therein shall be kept and preserved as a fund for the redemption of said bonds, and shall be used for no other purpose whatever; *provided*, that no bonds issued under the provisions of this Act shall be redeemed until after the expiration of ten years from the date of their issuance. Whenever the money in said Water-works Bond Fund, not required for the payment of interest falling due, shall amount to twenty-five thousand dollars, said Board of Commissioners shall advertise for thirty days in one newspaper of general circulation, published in the City of Oakland, and one or more papers in the City and County of San Francisco, for proposals for the surrender of said "water-works bonds," equal to the amount of the fund on hand applicable to such purpose, and shall redeem the bonds offered at the lowest price; *provided*, that no bonds shall be redeemed at a price exceeding par and accrued interest. If no bonds are offered for redemption at a price not exceeding par and accrued interest, then the said Board of Commissioners shall advertise for sixty days in one paper published in the City of Oakland, and one or more papers published in the City and County of San Francisco, of its intention to pay off and redeem so many of said bonds at par and accrued interest as shall equal the fund on hand applicable to such purpose, commencing with the lowest numbered outstanding bond, and requiring such bonds to be surrendered at the treasury of said city; and such bonds so advertised shall, after the expiration of such advertisement, cease to bear interest; and when any of said bonds are

Redemption  
of bonds.

redeemed or paid, they shall be delivered to the proper auditing officer of the city, and a proper entry of the day of their cancellation made in a book to be kept for that purpose.

SEC. 16. In the month of January of each year said Board of Water-works Commissioners shall make to the Council a detailed report of the condition of the water-works, and of all the property and funds under their charge, showing the income of the preceding year, and the sources thereof; the disbursements, and for what purpose made; the balance remaining in hand, and the disposition thereof; and, with their tenth annual report, they shall also furnish an estimate of the amount of money which, in the judgment of the Board, it will be necessary to raise by taxation during the next ten years to increase the "Water-works Bond Fund" to an amount sufficient to redeem all the outstanding bonds issued under this Act.

Board to  
make report.

SEC. 17. At the time of levying the municipal taxes for said city, next after receiving the estimate provided for in the last preceding section, and annually thereafter until a fund shall have been raised and paid into said Water-works Bond Fund sufficient to pay off and redeem all the bonds issued under this Act, the said Council shall, in addition to the other taxes then to be levied, levy upon all the taxable property a water-works bond tax, equal in the aggregate amount to one-tenth the amount of the estimate aforesaid, which shall be assessed, levied, and collected as other municipal taxes are assessed, levied, and collected; and when collected, shall be paid into the treasury to the credit of said Water-works Bond Fund, and form a part thereof. Out of said fund, the water-works bonds issued under this Act shall be finally paid and canceled, and when canceled shall be delivered to the proper auditing officer of the city, and a proper entry of the fact of cancellation be made. Whenever the money in said fund to be raised under the provisions of this section shall amount to twenty-five thousand dollars, the outstanding bonds shall be redeemed in the manner provided in section twenty of this Act.

Bond tax  
levied.

SEC. 18. If at any time there shall not be sufficient money in the proper fund for the payment of the interest then falling due upon the bonds issued under this Act, the same shall be paid, for the time being, out of the General Fund of said city, and the amount thereof may thereafter be refunded or returned from the fund properly charged therewith.

SEC. 19. When all the bonds issued under this Act shall have been redeemed and paid off, if there shall be any money remaining in said Water-works Bond Fund, the same shall be transferred to the Water-works Fund, and said Water-works Bond Fund shall be closed. Thereafter there shall be annually set apart out of said Water-works Fund such sum as shall be recommended by the Board of Water-works Commissioners and ordered by the Council of said city, as a sinking fund for the improvement and extension of such water-works, and said Board of Water-works Commissioners shall then so regulate the rates to be charged for water as to reduce the income therefrom to an amount sufficient to

Transfer of  
money.

Sinking  
Fund.

cover the estimated expense of managing and operating said water-works and keeping the same in repair, and of providing for such sinking fund.

Question to  
be submitted  
again to  
electors.

SEC. 20. If at the election mentioned in section one of this Act two-thirds of the electors shall vote against the acquisition of the said property, works, and franchises of the Contra Costa Water Company by the said City of Oakland, the said Council may, at any time within five years after the passage of this Act, but not less than two years after said municipal election, by the mutual consent of said city and said corporation, again submit to the qualified electors of said city, at any election held therein, the question whether said city shall acquire the said property, works, and franchises by condemnation; and if at such last mentioned election two-thirds of said electors shall then vote in favor of such acquisition, the said Council shall proceed to effect the same, and pay therefor in the manner designated in the preceding sections of this Act, but such proposition shall not be submitted to said electors more than once under the provisions of this section, and during said five years said city shall not grant to any other person or company the right to introduce pure fresh water into said city for domestic use.

Enlarge-  
ment of  
works; how  
made.

SEC. 21. At any time when it shall become necessary to enlarge said water-works, or increase the capacity thereof, and additional property is required therefor, said city shall have authority to purchase such property or to acquire the same by condemnation, in the mode and manner provided in Title Seven, Part Three, of the Code of Civil Procedure of this State, or such law as may then be in force for the condemnation of private property to public use, and the cost and expense thereof shall be paid out of said Water-works Fund, or Water-works Sinking Fund.

Compensa-  
tion.

SEC. 22. The Water-works Commissioners may be allowed such compensation for their services as may be prescribed by the Council, and such compensation, when allowed, shall be paid out of the Water-works Fund.

SEC. 23. All laws and parts of laws in conflict with the provisions of this Act, so far as they do conflict, are hereby repealed.

SEC. 24. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXIII.—*An Act to legalize Swamp Land District Number Two Hundred and Twenty-one, and provide for the collection of taxes of the same.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

District  
legalized.

SECTION 1. Swamp Land District Number Two Hundred Twenty-one, in San Joaquin County, heretofore organized

under and by virtue of the law in such cases made and provided, is hereby legalized, and is a lawful district to all intents and purposes, and all acts hereafter performed by the Trustees of said district shall be legal and valid as if said district had been legally and lawfully organized.

SEC. 2. This Act shall take effect immediately, and shall apply to Swamp Land District Number Two Hundred Twenty-one, in San Joaquin County, and none other.

CHAP. CCCXXIV.—*An Act to prevent hogs from running at large in the Towns of Lakeport and Lower Lake, in Lake County.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be unlawful for any person owning or having charge of hogs to allow them to run at large within the town limits of Lakeport or Lower Lake. Unlawful.

SEC. 2. The Sheriff of the county, or any Constable of Big Valley or Lower Lake Townships, finding or being notified that any hogs are running at large within said town limits, are hereby authorized and required to take charge of, safely keep, and sell them at public auction, after five days' previous notice of said sale, to be posted in three public places in said towns. Power of Sheriff.

SEC. 3. The officer, for his services in taking up and selling any hogs under the provisions of this Act, shall be entitled to receive as fees from the proceeds of such sales the sum of one dollar per head, and should there be any balance remaining in his hands after deducting his fees, he shall pay it into the School Fund of the Lakeport School District, if such animals are taken up and sold in the Township of Big Valley, and into the School Fund of Lower Lake School District, if taken up and sold in the Township of Lower Lake. Fees of officer.

SEC. 4. The owner of any hogs taken charge of by the Sheriff or Constable shall be entitled to a return of the same upon his payment therefor of the sum of two dollars per head to such officer, but not otherwise; one dollar of which shall belong to the officer, and one of which to the said School Fund as aforesaid. Animals returned; how.

SEC. 5. The Sheriff of Lake County, or any Constable of said townships, failing, neglecting, or refusing to carry out the provisions of this Act, when his attention shall be called to a violation of the same, or when he shall know of his own knowledge the same has been or is being violated, shall be guilty of a misdemeanor, and, upon conviction thereof, be punished by a fine not less than five nor more than twenty-five dollars. This Act shall take effect and be in force after the first day of May, one thousand eight hundred and seventy-eight. Misdemeanor.

CHAP. CCCXXV.—*An Act to provide and maintain a system of sewerage in the City of Petaluma, and to take private lands therefor.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

System of sewerage authorized to be constructed, etc.

SECTION 1. The Board of Trustees of the City of Petaluma are hereby empowered and directed to have surveyed, laid out, established, constructed, and maintained, a general system of sewerage for the City of Petaluma, and for that purpose shall employ a competent engineer to survey, map, and plat such contemplated sewerage, showing the location, length, and size of such sewers, which survey, map, and plat, when completed, with his recommendations, he shall file with the Clerk of the Board of Trustees; upon the filing of which, the Board of Trustees shall give at least ten days' notice by publication in some newspaper published in said city, of the time and place when they will consider said report and hear objections, and may modify and correct the same; and as so modified and corrected shall, by resolution, adopt the same, or any part thereof, as the official map of sewers. The compensation of such engineer, and such assistants as may be required, shall be determined by said Board, and shall be paid by warrant on the Sewer Fund of said city.

Right of way; how procured.

SEC. 2. In order to provide for the necessary and proper drainage and sewerage of the City of Petaluma, the Board of Trustees thereof are hereby authorized to procure the right of way by purchase, or condemnation, for such main and lateral sewers or drains as they may deem proper for the sewerage and drainage of said city; such rights of way may be thus secured through lands within the corporate limits, and also when required through lands adjacent to and without said city, under the provisions of Part Three, Title Seven, of the Code of Civil Procedure, for the purpose of condemning such lands, or the right of way through the same, to the use of the city for public drains or sewers; *provided*, that the benefits resulting to the land remaining or adjoining may be offset against the value of the land actually taken, as also against any damages resulting to such adjacent land from such improvement.

Sewer Fund.

SEC. 3. The Board of City Trustees of the City of Petaluma, in addition to the taxes now authorized by law, are hereby authorized and empowered to levy annually an additional tax on all the real and personal property of said city, not to exceed twenty cents on each one hundred dollars, to be levied and collected at the same time and manner as other city taxes, and to be known as the sewer tax, which shall constitute a separate fund, to be known as the "Sewer Fund."

Duty of Board.

SEC. 4. It shall be the duty of the Board of Trustees to construct, maintain, and keep in repair, according to the general system of sewerage adopted, such sewers as from

time to time they may deem necessary for the health and welfare of said city.

SEC. 5. All proceedings, contracts, and work in relation to the construction of sewers under this Act, shall be governed in all respects by the provisions of the city charter in relation to street work, except that no petition of property owners shall be necessary. The Board must not, without the consent of owners of adjacent property, change the width of any sidewalk, after said sidewalk has been constructed, for a period of five years.

SEC. 6. All Acts or parts of Acts heretofore passed, in conflict with this Act, are hereby repealed.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXVI.—*An Act for the relief of J. M. Garretson, Assessor of the County of Santa Barbara.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Santa Barbara County are hereby directed to audit the claim of J. M. Garretson, Assessor of Santa Barbara County, in the sum of one hundred dollars, gold coin of the United States of America, for moneys paid by said Assessor as compensation to special counsel for services in the prosecution of a writ of review before the District Court of the First Judicial District of the State of California; to set aside the illegal action of the Board of Supervisors of said County in the matter of the equalization of the taxes of T. W. Moore, Esq.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXXVII.—*An Act to prevent buck goats running at large.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall not be lawful for the owner or owners of any buck goat or buck goats, or any person or persons in charge of such goat or goats, to turn or permit such goat or goats to be turned or run at large in any county of this State.

SEC. 2. Any person violating the provisions of the first section of this Act shall, upon complaint and conviction before a Justice of the Peace of the proper township, be fined

in a sum not less than five dollars nor more than twenty dollars, to be collected as fines are now by law collected.

SEC. 3. This Act shall take effect on and after the first day of July, eighteen hundred and seventy-eight.

CHAP. CCCXXVIII.—*An Act to provide for the improvement of the public roads in the County of Mono.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Road  
Overseer  
appointed.

SECTION 1. The Board of Supervisors of the County of Mono shall, at the regular meeting after the passage of this Act, appoint a Road Overseer for the County of Mono, who shall hold his office during their pleasure, not exceeding four years, or until his successor is appointed and qualified.

Bond.

SEC. 2. Said Road Overseer shall be an elector of the County of Mono, and shall give an official bond in the sum of two thousand dollars, to be approved and filed in the same manner as are the bonds of other county officers, and shall file with the County Clerk of said county the usual oath of office.

Compensa-  
tion.

SEC. 3. For his services he shall receive the sum of five dollars per day for each and every day that he is actually employed in the business of his office.

SEC. 4. The said Road Overseer shall have the entire supervision of all the public roads within said Mono County. Road districts and District Road Overseers in the said Mono County are hereby abolished.

Duty of  
Overseer.

SEC. 5. The said Road Overseer, under the direction of the Board of Supervisors and in pursuance to the orders of said Board, must:

*First*—Take charge of the public highways within the county.

*Second*—Keep them clear from obstructions and in good repair.

*Third*—Cause banks to be graded and causeways to be made when necessary; keep the same in repair, and renew them when destroyed.

*Fourth*—Make quarterly reports to the Board of Supervisors of all labor performed upon said roads, and of all moneys expended.

*Fifth*—Receive and present petitions for new roads, recommend or disapprove of the same, and assist in laying them out.

*Sixth*—To render his bills quarterly for expenditures and services, verified by his oath, which bills shall be audited and allowed or disallowed as in case of other bills, and shall be paid as herein provided.

Expenditure  
limited.

SEC. 6. The Road Overseer shall not expend, in any



three months, over five hundred dollars in any one Supervisor district, without previous authority from the Board of Supervisors.

SEC. 7. Every male inhabitant of the County of Mono, <sup>Poll tax.</sup> under twenty-one years and under fifty-five years of age, must pay annually a road poll tax of two dollars; *provided*, the same shall be paid between the first Monday in March and the first Monday in July; but if not paid prior to the first Monday in July, then it shall be three dollars.

SEC. 8. The several provisions of the Political Code for the collection of State poll taxes shall be applicable to and govern the collection of the road poll tax.

SEC. 9. The proceeds of the road poll tax shall be paid <sup>Poll Tax Fund.</sup> into the county treasury, and shall constitute a fund to be known as the Road Poll Tax Fund, and shall be paid out on warrants drawn on said fund by order of the Board of Supervisors. The provisions of law applicable to other county warrants shall apply to these.

SEC. 10. Warrants shall be drawn on this fund by order of the Board of Supervisors for such bills as they may from time to time allow the Road Overseer for services and expenditures, but nothing herein shall prevent said Board from ordering the same paid out of the Road Fund if they deem it expedient.

SEC. 11. No other road tax or labor shall be required of, or levied upon, or collected from any person in Mono County, except the tax on property required by law.

SEC. 12. All Acts and parts of Acts in conflict with this are hereby repealed.

SEC. 13. This Act shall take effect from and after its passage.

CHAP. CCCXXIX.—*An Act to provide for the payment of unused and uncanceled stamps of the State of California heretofore sold.*

[Approved March 23, 1878.]

WHEREAS, There now remains on file in the office of Con- <sup>Preamble.</sup> troller of State unused and uncanceled State stamps heretofore sold by the State, issued by virtue of an Act entitled an Act to provide revenue for the support of the Government of this State, approved March ninth, eighteen hundred and sixty-one, and subsequent Acts thereto; and the said State stamps having been examined and pronounced by the said Controller as genuine and a just charge against the State, therefore,

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of four hundred and twenty-six <sup>Appropriation authorized.</sup> dollars and ninety cents is hereby appropriated out of any money in the General Fund of the State treasury, not other-

wise appropriated, to pay the claim of J. W. C. Coleman, the owner and possessor of said State stamps, and the Controller of State is directed to draw his warrant on the State Treasurer in favor of said Coleman therefor, and the State Treasurer is required to pay the same out of any money in the State treasury not otherwise appropriated.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXXX.—*An Act to authorize the Treasurer of the County of San Diego to pay certain warrants out of the Contingent Fund of said county.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Treasurer  
empowered  
to pay  
certain  
warrants.

SECTION 1. The Treasurer of San Diego County is hereby authorized to pay, out of the Contingent Fund of said county, both the principal and interest from the date of presentation for payment, the following described county warrants: Warrant number one hundred and two, for two hundred one and thirty-eight hundredths dollars, bearing date March nineteenth, eighteen hundred and sixty-eight, and indorsed "not paid" for want of funds, March nineteenth, eighteen hundred and sixty-eight, José G. Estudillo, County Treasurer;" warrant number one hundred and seven, for forty-one and sixty-seven hundredths dollars, dated April fourteenth, eighteen hundred and sixty-eight, and warrant number one hundred and eleven, dated April twenty-fifth, eighteen hundred and sixty-eight, for fifty-seven and fifty hundredths dollars, both indorsed "not paid for want of funds, April twenty-fifth, eighteen hundred and sixty-eight, José G. Estudillo, County Treasurer," all being issued in favor of Cullan A. Johnson; also, the following described county warrants, issued in favor of Frank Ames: Warrant number eighty-two, for sixty dollars, dated January fifth, eighteen hundred and sixty; warrant number one hundred and thirty-three, for eighty dollars, dated April fifth, eighteen hundred and sixty; warrant number one hundred and ninety-three, for one hundred and twenty dollars, dated October twenty-second, eighteen hundred and sixty; warrant number two hundred and forty-seven, for sixty dollars, dated January ninth, eighteen hundred and sixty-one; and warrant number two hundred and fifty-six, for eighty dollars, dated April first, eighteen hundred and sixty-one, each warrant bearing the indorsement, over the signature of the County Treasurer, not paid for want of funds, upon the date of its issuance, except warrant two hundred and fifty-six, which was indorsed, not paid for want of funds, April second, eighteen hundred and sixty-one.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCCXXXI.—*An Act to amend an Act entitled "An Act for the incorporation of the Town of Wheatland," approved March thirteenth, eighteen hundred and seventy-four.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eight of said Act is hereby amended so as to read as follows: Section 8. The Board of Trustees shall have power to make such by-laws or ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary to prevent and remove nuisances; to prohibit and punish disorderly conduct; to suppress gaming, gambling houses, and other disorderly houses, and all kinds of vice and immorality; to provide for licensing pawnbrokers, peddlers, showmen, junk shop-keepers, theaters, and all other places of public amusement; all bars and saloons, at which spirituous liquors are sold; *provided*, said bar or saloon license shall not exceed two-thirds of the county license; and any or all business not prohibited by law, and fix the amount of license tax for the same; to construct pumps, aqueducts, reservoirs, or other works necessary for duly supplying the town with water; to keep in repair public wells; to lay out, alter, keep open and repair the streets, alleys, and sidewalks of the town; to provide such means as they may deem necessary, with the exception as hereinafter provided, to protect the town from injuries by fire; to levy and collect, annually, a tax on all property in the town not exceeding one per centum on the assessed valuation thereof; to levy and collect a poll tax of not exceeding two dollars per annum on every male inhabitant of twenty-one years of age and upwards; to impose and collect a tax on dogs, not exceeding four dollars per annum, on every dog found running at large within the corporate limits of the town; to provide for the impounding of cattle, horses, swine, sheep, goats, and dogs, and to pass such other by-laws and ordinances for the regulation and police of said town as they may deem necessary.

Powers and  
duties of  
Board of  
Trustees.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXXII.—*An Act to authorize the Board of Supervisors of Lake County to levy and collect a special tax for the extermination of squirrels in said county.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Lake County are hereby authorized, at their regular meeting for the purpose

Squirrel  
Fund.

of levying the rate per cent. of the general county tax, to levy a special tax on all the taxable property of the county not to exceed the sum of six cents on the one hundred dollars thereof, to be known as the Squirrel County Fund.

SEC. 2. Said tax shall be collected and paid over to the County Treasurer as other county taxes are collected and paid over, and shall be kept in a separate fund by the County Treasurer, and paid out on the order of the Board of Supervisors.

Payment of  
bounties.

SEC. 3. The said Board of Supervisors are hereby authorized to pay such bounties or premiums for the destruction of squirrels in the county as they may deem best to enable them to carry out the provisions of this Act in good faith, and to make all necessary orders relating thereto.

SEC. 4. This Act shall take effect on and after the first Monday in January, eighteen hundred and seventy-nine.

CHAP. CCCXXXIII.—*An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Licenses  
paid; by  
whom.

SECTION 1. Every person, firm, or corporation engaged in carrying on, pursuing, or transacting within the limits of the City and County of San Francisco any business, trade, profession, occupation, or employment hereinafter specified, shall pay licenses as is herein provided.

Broker's  
license.

SEC. 2. Every person, firm, or corporation engaged in the business of buying or selling mining stocks, bonds, State, county, or city stocks, or stocks of incorporated companies, or evidences of indebtedness of private persons or of incorporated companies, on commission or otherwise, shall pay licenses as follows:

*First*—Those whose aggregate purchases and sales amount to three hundred and fifty thousand dollars and over per quarter, constitute the first class, and shall pay a license of fifty dollars per quarter.

*Second*—Those whose aggregate purchases and sales amount to two hundred and fifty thousand dollars and less than three hundred and fifty thousand dollars per quarter, constitute the second class, and shall pay a license of forty dollars per quarter.

*Third*—Those whose aggregate purchases and sales amount to one hundred and fifty thousand dollars and less than two hundred and fifty thousand dollars per quarter, constitute the third class, and shall pay a license of twenty-five dollars per quarter.

*Fourth*—Those whose aggregate purchases and sales amount to seventy-five thousand dollars and less than one hundred

and fifty thousand dollars, constitute the fourth class, and shall pay a license of fifteen dollars per quarter.

*Fifth*—Those whose aggregate purchases and sales amount to twenty thousand dollars and less than seventy-five thousand dollars per quarter, constitute the fifth class, and shall pay a license of ten dollars per quarter.

*Sixth*—Those whose aggregate purchases and sales amount to less than twenty thousand dollars per quarter, constitute the sixth class, and shall pay a license of five dollars per quarter.

*Seventh*—All licenses issued under the provisions of this section [shall] be known and designated as "broker's license."

SEC. 3. All persons, firms, and corporations engaged in the business of loaning money at interest, receiving deposits, or buying and selling gold and silver coin or currency, or notes or bills of exchange, and gold and silver bullion, shall be divided into three classes, and shall pay licenses as follows:

Banker's  
license.

*One*—Those whose total receipts shall exceed in the aggregate the sum of two millions of dollars per quarter, shall pay a license of three hundred dollars per quarter.

*Two*—Those whose total receipts shall exceed in the aggregate the sum of one million dollars and less than two millions per quarter, shall pay a license of two hundred dollars per quarter.

*Three*—Those whose total receipts shall be in any amount under one million of dollars per quarter, shall pay a license of one hundred dollars per quarter.

*Fourth*—All licenses issued under the provisions of this section shall be known and designated as "banker's license."

SEC. 4. Every person who, at any fixed place of business, sells any goods, wares, or merchandise, on commission or otherwise (except agricultural or vinicultural, productions of any stock, dairy, or poultry farm of this State, when sold by the producer thereof, and except such as are sold by auctioneers at public sale under license) shall pay licenses as follows:

Merchandise  
license.

*First*—Those whose aggregate sales amount to five hundred thousand dollars and over per quarter, constitute the first class, and shall pay a license of two hundred and fifty dollars per quarter.

*Second*—Those whose aggregate sales amount to three hundred thousand dollars and less than five hundred thousand dollars per quarter, constitute the second class, and shall pay a license of one hundred and fifty dollars per quarter.

*Third*—Those whose aggregate sales amount to two hundred thousand dollars and less than three hundred thousand dollars per quarter, constitute the third class, and shall pay a license of one hundred dollars per quarter.

*Fourth*—Those whose aggregate sales amount to one hundred and twenty-five thousand dollars and less than two hundred thousand dollars per quarter, constitute the fourth class, and shall pay a license of sixty-five dollars per quarter.

*Fifth*—Those whose aggregate sales amount to seventy-five thousand dollars and less than one hundred and twenty-five

Merchandise  
license.

thousand dollars per quarter, constitute the fifth class, and shall pay a license of forty dollars per quarter.

*Sixth*—Those whose aggregate [sales] amount to fifty thousand dollars and less than seventy-five thousand dollars per quarter, constitute the sixth class, and shall pay a license of twenty-five dollars per quarter.

*Seventh*—Those whose aggregate sales amount to thirty thousand dollars and less than fifty thousand dollars per quarter, constitute the seventh class, and shall pay a license of eighteen dollars per quarter.

*Eighth*—Those whose aggregate sales amount to twenty thousand dollars and less than thirty thousand dollars per quarter, constitute the eighth class, and shall pay a license of twelve dollars per quarter.

*Ninth*—Those whose aggregate sales amount to ten thousand dollars and less than twenty thousand dollars per quarter, constitute the ninth class, and shall pay a license of seven dollars per quarter.

*Tenth*—Those whose aggregate sales amount to five thousand dollars and less than ten thousand dollars per quarter, constitute the tenth class, and shall pay a license of five dollars per quarter.

*Eleventh*—Those whose aggregate sales amount to fifteen hundred dollars and less than five thousand dollars per quarter, constitute the eleventh class, and shall pay a license of three dollars per quarter.

*Twelfth*—Those whose aggregate sales amount to six hundred dollars and less than fifteen hundred dollars per quarter, constitute the twelfth class, and shall pay a license of one dollar per quarter.

*Thirteenth*—Those whose aggregate sales amount to less than six hundred dollars per quarter shall not be required to pay a license; *provided*, that no person shall be entitled to this exemption unless he files with the License Collector, every three months, a sworn statement of the amount of his sales. All licenses issued under the provisions of this section shall be known and designated as "merchandise license."

Retail dealer's  
license.

SEC. 4. Every person who sells spirituous, or malt, or fermented liquors or wines, in less quantities than one quart, shall be known as a "retail liquor dealer," and shall pay license as follows:

*First*—Those making sales to the amount of fifteen thousand dollars and over per quarter, shall pay a license of forty dollars per quarter.

*Second*—Those making sales of less than fifteen thousand dollars per quarter shall pay a license of twenty dollars per quarter; *provided*, that on and after January first, eighteen hundred and seventy-nine, no license as a retail liquor dealer shall be issued by the Collector of Licenses, unless the person desiring the same shall have obtained the written consent of a majority of the Board of Police Commissioners of the City and County of San Francisco to carry on or conduct said business; but in case of refusal of such consent, upon application, said Board of Police Commissioners shall grant the same upon the written recommendation of not less

than twelve citizens of San Francisco owning real estate in the block or square in which said business of retail liquor dealer is to be carried on, or in the four blocks or squares bounding the same. All licenses issued under the provisions of this section shall be known and designated as "retail dealer's license."

SEC. 6. Every person who sells cider, sarsaparilla, ginger pop, or soda or mineral water, except from a fountain, in quantities of less than one quart, shall, in addition to the license required to be paid, be subject to the same conditions and provisions contained in the preceding section.

SEC. 7. Every person violating any of the provisions of sections five and six of this Act, or falsely representing himself as being a citizen of San Francisco and owning real estate in the blocks or squares therein specified, shall be guilty of a misdemeanor.

SEC. 8. Auctioneers shall pay licenses as follows:

Auctioneer's  
license.

*First*—Those whose sales amount to three hundred thousand dollars and over per quarter, shall pay a license of two hundred dollars per quarter.

*Second*—Those whose sales amount to one hundred and fifty thousand dollars and less than three hundred thousand dollars per quarter, shall pay a license of one hundred dollars per quarter.

*Third*—Those whose sales amount to seventy-five thousand dollars and less than one hundred and fifty thousand dollars per quarter, shall pay a license of fifty dollars per quarter.

*Fourth*—Those whose sales amount to thirty thousand dollars and less than seventy-five thousand dollars per quarter, shall pay a license of twenty-five dollars per quarter.

*Fifth*—Those whose sales amount to fifteen thousand dollars and less than thirty thousand dollars per quarter, shall pay a license of ten dollars per quarter.

*Sixth*—Those whose sales amount to fifteen thousand dollars per quarter, shall pay a license of five dollars per quarter.

*Seven*—All licenses issued under the provisions of this section shall be known and designated as "auctioneer's license."

SEC. 9. All keepers or owners of livery stables shall pay licenses as follows:

Livery stable  
license.

*First*—Those whose gross receipts from the hiring of horses and carriages amount to four thousand dollars and over per quarter, shall pay a license of seven dollars per quarter.

*Second*—Those whose gross receipts from the hiring of carriages and horses amount to less than four thousand per quarter, shall pay a license of three dollars per quarter.

*Third*—All licenses issued under the provisions of this section shall be known and designated as "livery stable license."

SEC. 10. In all cases where the amount of license to be paid by any person, firm, or corporation is based upon or regulated by the amount of sales effected or business transacted, such person, firm, or corporation shall render a sworn

Sworn state-  
ment to be  
rendered.

statement to the License Collector of the total amount of sales made or business done by them respectively during the three months next preceding the expiration of the last license, which statement shall determine the amount for which such license shall be renewed.

Theater  
license.

SEC. 11. Every proprietor or lessee of any theater, concert hall, or of any place of amusement, entertainment, or exhibition, shall pay licenses according to the seating capacity of such theater, concert hall, or other place of amusement, entertainment, or exhibition. One seat is twenty-two inches.

*First*—Those seating nine hundred and seventy-five persons, or more, shall pay a license, if issued for one year, three hundred dollars per annum; if for three months, one hundred dollars per quarter; if for one month, fifty dollars per month; if for one day, four dollars per day.

*Second*—Those seating less than nine hundred and seventy-five persons shall pay a license, for one year, of two hundred dollars; for three months, seventy-five dollars; for one month, forty dollars; for one day, four dollars.

*Third*—All licenses issued under the provisions of this section shall be known and designated as "theater license."

SEC. 12. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 13. This Act shall take effect immediately.

CHAP. CCCXXXIV.—*An Act to amend an Act entitled "An Act to re-incorporate the Town of Woodland," approved March twenty-fourth, eighteen hundred and seventy-four.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Trustees  
may order  
work done  
after notice.

SECTION 1. Section nineteen of said Act is hereby amended so as to read as follows: Section 19. The Board of Trustees may order any of such work to be done after a notice of their intention so to do, signed by the Town Clerk, and published for two weeks. Such notice shall specify in general terms the work to be done, and may refer to preliminary specifications on file for more definite description. At the expiration of such publication the Board shall be deemed to have acquired jurisdiction to order the doing of the work described in such notice, or of any part thereof, and all persons objecting shall, at or before the expiration of such publication, file with the Town Clerk a written statement of their objections, which objections shall be considered by the Board, and the determination of the Board shall be final and conclusive. All proceedings of the Board in relation to the works herein authorized may be had at either regular, adjourned, or called meetings; *provided*, that persons filing objections shall have



at least one day's written notice or verbal notice of the time of the meeting at which such objections are to be considered.

SEC. 2. Section twenty of said Act is hereby amended so as to read as follows: Section 20. Upon ordering the doing of any such work, the Board of Trustees may, if necessary, cause a survey of the same to be made by some competent surveyor, who shall, within such time as may be directed by the Board, return to the Board the field notes, map, or diagram thereof, together with full working specifications therefor, and if no survey be necessary, the Board shall cause only such specifications to be made. If the Board approve the specifications, and if a survey has been made, the field notes, map, or diagram, they shall publish for not less than one week a notice, inviting sealed proposals for doing such work either as a whole or in parts, and may provide by order or by ordinance the terms and conditions upon which contracts may be awarded, except as herein otherwise provided. At the time fixed in the notice for opening the bids, the Board may award the contracts, or may postpone the time of such award, and may also reject all bids, but in no case shall the contract be awarded to any but the lowest bidder. If all the bids are rejected, or if none are presented, the Board shall proceed to re-advertise for proposals. On the completion of the work, the same shall be inspected by the Town Clerk, and if he find the same to be done in accordance with the contract and specifications, he shall deliver to the contractor a certificate accordingly, and shall publish, at least twice, a notice of the giving of such certificate at any time before the next regular meeting of the Board. After such publication, any person objecting to the acceptance of such work by the Board may file his objections in writing, and the reasons therefor. At such meeting the Board shall hear all objections, and may accept or reject such work, or any part thereof, or may postpone the hearing not more than one week. If the work be accepted, the Board shall cause a warrant for the amount due the contractor to be drawn in his favor, to be paid out of the first money in the treasury applicable thereto.

Trustees  
may cause  
survey to  
be made.

Duty of  
Clerk.

SEC. 3. Section twenty-one of said Act is hereby amended so as to read as follows: Section 21. The cost of the surveys, maps, diagrams, and specifications of any such work, together with the cost of all work done within the space bounded by the side lines of two intersecting streets, shall be paid by the town. The cost of all other work shall be paid in the first instance by the town, but shall be at once collected by the town from those liable therefor, as provided in the next section. The provisions of this and the next section shall also apply to any work heretofore ordered, but for which no contract has been let.

Cost of sur-  
vey; by  
whom paid.

SEC. 4. Section twenty-two of said Act is hereby amended so as to read as follows: Section 22. The cost of all work, except as provided in the preceding section, shall be borne by the owners of the real estate fronting on the street where such work is done, and the cost of the work in each block shall be apportioned between the owners therein in proportion to their respective frontages, such costs to constitute a

Marshal to  
prepare  
assessment  
roll.

Action com-  
menced.

Dangerous  
sidewalks,  
etc.

Power of  
Trustees to  
lay out and  
open streets.

Commis-  
sioners  
appointed;  
powers and  
duties of.

lien upon such real estate from and after the date of the order for such work. Upon the acceptance of any such work by the Board, the Marshal shall prepare an assessment roll of the cost thereof, apportioned as herein provided, which roll shall contain a description of each parcel assessed, the amount of the charge assessed thereon, and the name of the owner, if known, or if the owner be unknown, the words "unknown owners" shall be written opposite such parcel. The Marshal shall complete such roll within such time as may be allowed by the Board; and upon the completion of the same shall publish, for one week, a notice that the roll is completed and the assessments thereon due and payable, and that all assessments not paid within three weeks from the first publication of the notice will be delinquent, and that ten per cent. will be added to the amount thereof. At the expiration of the time so fixed, the Marshal shall commence civil actions in the name of the town to foreclose the lien of all delinquent assessments, together with the percentage thereon and the costs of the suits, which percentage and costs shall constitute a lien on such real estate in like manner to the assessment. All moneys collected by the Marshal on such assessment roll shall be paid into the town treasury, in the same manner as other moneys.

SEC. 5. Section twenty-three of said Act is hereby amended so as to read as follows: Section 23. When any street or sidewalk, or any portion thereof, becomes in a condition to be dangerous, the owner of the real estate in front of which such danger exists shall immediately repair the same without notice, and in default thereof shall be personally liable to any person suffering loss or damage by reason of such neglect, for the full amount of such loss or damage; and shall also forfeit to the town a penalty of five dollars per day for each and every day that such repairs remain unexecuted after written notice by the Marshal, which notice may be delivered personally, or posted on such real estate. Said amounts of damages and penalties shall also be liens on such real estate from and after the service of such notice.

SEC. 6. Section twenty-six of said Act is hereby amended so as to read as follows: Section 26. The Board of Trustees shall have power to order the laying out, opening, alteration, or vacation of any street or alley in said town, after proceedings had as required in this section. They shall first publish for a period of three weeks, in some newspaper published in said town, a notice of their intention to order such laying out, opening, alteration, or vacation, which notice shall be a copy of the resolution of the Board, and shall particularly describe the street or alley to be laid out, opened, altered, or vacated. At the first regular meeting of the Board after the expiration of said publication, the Board may proceed to hear the matter, and may adjourn the hearing from time to time; and if, at the final hearing, the Board shall find that such proposed laying out, opening, or alteration is a public necessity, they shall order the same to be done, and shall appoint three disinterested citizens of the town as Commissioners to estimate the value of the damages and benefits

resulting from such work. Said Commissioners, before proceeding to the discharge of their duties, shall be sworn to their faithful performance, and shall publish a notice of their appointment, which notice shall specify the places and times, not less than two, at which any person may appear and give evidence before them touching the value of such damages and benefits; the first of which times shall be not less than two weeks from the publication of such notice. Immediately after such publication they shall proceed to view the street or alley proposed to be laid out, opened, or altered, and may employ the services of a surveyor. After hearing such evidence as may be offered, for which purpose either Commissioner may administer an oath, the Commissioners shall appraise the value of each parcel of land taken by such improvement, and the amount of damage to any tract which, though not taken, or taken only in part, may be injuriously affected. They shall then estimate the amount of benefit to each tract of land to be benefited by such improvement, and shall apportion the gross sum to be paid for compensation and damages among the tracts benefited in proportion to the amount of benefit accruing to each. They shall return their report and appraisement to the Board at least five days before the next regular meeting thereof, if they were appointed at a regular meeting; otherwise, at least five days before the next regular meeting but one. Any person considering himself aggrieved by the award of the Commissioners may appeal to the Board of Trustees, by filing with the Clerk, before the day of such regular meeting, a notice stating the award appealed from and the grounds of appeal. The award of the Commissioners shall be final and conclusive against any person not so appealing. At such regular meeting the Board shall proceed to hear and determine all such appeals, and may correct or modify the awards so as to make the same just and equal. They shall then, by order, award to the persons whose property is taken or injuriously affected the amounts of damages or compensation, respectively, awarded by the Commissioners or by the Board on Appeal, and provide for the payment of the same. They shall also, by the same order, direct the Clerk to make, from the report of the Commissioners as corrected on appeal, an assessment roll of the property assessed for benefits, on which roll each tract shall be specifically described and assessed to the owner, if known, and if not, to "unknown owners." Within such time as may be directed in such order, the Clerk shall complete said roll and place the same in the hands of the Marshal for collection. Upon his receipt of said roll the Marshal shall proceed to collect said assessments, in the manner provided in section twenty-two of this Act for the collection of assessments for street work, and all the provisions of said section concerning such collection shall apply to the collection herein provided for, except that the lien of said assessments and costs shall date from the final award of the Board upon the report of the Commissioners. All assessments when collected shall be paid into the town treasury, and all

Appeal may  
be made to  
Trustees.

Collection of  
assessments;  
how made.

damages and compensation awarded shall be paid out of the town treasury. Upon the payment or tender of the amounts awarded for damages and compensation, the right of way for such street or alley over each parcel taken shall be deemed to be condemned and to have vested in said town; *provided*, that when any person assessed for benefits is also entitled to receive any damages or compensation awarded, he may have such damages or compensation set off *pro tanto* against such benefits, upon filing with the Marshal his receipt for the amount of damages or compensation so set off. Immediately after such payment or tender the Clerk shall file, in the office of the Recorder of Yolo County, a certificate of such condemnation, which certificate shall particularly describe each tract condemned and state the name of the owner thereof, and the Recorder shall record the same in the books in which deeds are recorded. Such certificate, or the record thereof, shall be prima facie evidence of the title of the town to the right of way for such street or alley over the tracts therein described. The compensation of the Commissioners and surveyor shall be fixed by the Board, and the same, together with the expenses of the Commission, shall be paid by the town. If the proposed improvement consist solely in the vacation of any street or alley, or of any part thereof, the same may be ordered by the Board at their first regular meeting after the publication of their resolution of intention, without the appointment of Commissioners.

Certificate of  
condemnation to be  
filed.

SEC. 7. Section twenty-eight of said Act is hereby amended so as to read as follows: Section 28. All ordinances passed by the Board of Trustees shall be signed by the President and Town Clerk, and published in some newspaper published in the town. In pleading any ordinance of said town it shall be sufficient to refer thereto by its title, number, and date of passage.

Ordinances;  
requirements of.

SEC. 8. Nothing in this Act contained shall operate to destroy or impair any right vested in the town, or in any individual, by virtue of the sections hereby repealed or amended, or to put an end to any proceeding heretofore commenced, but the continuation of such proceedings shall conform to the provisions of this Act, saving such vested rights.

Act not to  
impair cer-  
tain rights.

SEC. 9. An Act entitled "An Act amendatory of and supplemental to an Act entitled an Act to re-incorporate the Town of Woodland," approved March twenty-fourth, eighteen hundred and seventy-four, approved April first, eighteen hundred and seventy-six, is hereby repealed.

Repeal.

SEC. 10. This Act shall take effect immediately.

CHAP. CCCXXXV.—*An Act fixing the fees and compensation of the District Attorney of the County of San Luis Obispo.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The District Attorney of the County of San Luis Obispo shall receive a salary of one thousand dollars per annum, payable out of the county treasury of said county as now required by law, and also such other fees and commissions as are now provided by law, which shall also be a charge against the said county, to be audited and allowed as other claims against the said county.

Salary of District Attorney.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXXVI.—*An Act for the relief of the bondsmen of W. W. Hill, late Treasurer of the County of Fresno.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The sureties upon the official bond of W. W. Hill, late Treasurer of the County of Fresno, are hereby released from any and all liability upon or by reason of said bond, or upon or by reason of a certain judgment rendered by the District Court of the Thirteenth Judicial District, in and for the County of Fresno, on the sixth day of December, eighteen hundred and seventy-five, in a certain action therein, wherein the County of Fresno was plaintiff and Jesse Morrow and others (the said sureties) were defendants; *provided*, the said sureties shall, within one year from the passage of this Act, pay into said Court such an amount of money as, with the amounts already paid, shall equal the sum of thirty-one thousand three hundred and thirteen dollars and twenty cents in U. S. gold coin, with legal interest on such part thereof as has not been paid from the passage of this bill to the time of the payment of the same.

Release from liability.

Proviso.

SEC. 2. If the payment provided for in section one of this Act be made as therein provided, then and in that case it shall be and is hereby made the duty of said plaintiff in said action, and of said Court, to satisfy said judgment, and cancel said bond, by order duly entered and made in said Court, and upon the records thereof, and from and after such payment the said judgment shall have no force or effect, and shall cease to be a lien upon or a charge against said sureties or their property, and they and each of them shall be released from any and all liability upon or for said bond.

Judgment satisfied if payment is made.

SEC. 3. This Act shall take effect from its passage, and all Acts and parts of Acts inconsistent herewith are hereby repealed.

CHAP. CCCXXXVII.—*An Act to fix the terms of the County and Probate Courts in and for the County of Modoc.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Terms of  
Court fixed.

SECTION 1. The regular terms of the County and Probate Courts, in and for the County of Modoc, shall be held at the county seat of said county on the third Monday in February, the third Monday in April, the third Monday in June, the third Monday in August, and the third Monday in November in each year.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect on and after its passage.

CHAP. CCCXXXVIII.—*An Act to authorize the Board of Trustees of Truckee School District, Nevada County, to pay certain claims.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Payment  
of claim  
authorized.

SECTION 1. The Trustees of Truckee School District, Nevada County, are hereby authorized and required to draw their order on any money belonging to the School Fund of said district for the amount due Gussie Haller for services as teacher in the public school of said district, and the County Superintendent of Public Schools for Nevada County is hereby authorized and required to draw his warrant therefor, upon the fund of said school district, and the County Treasurer of Nevada County is hereby directed to pay said warrant out of the proper fund.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCXXXIX.—*An Act to authorize the construction of a wagon road from Downieville, in Sierra County, to a point about two miles east of Forest City, in said county.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. William Wilbourn, or his assigns, is hereby authorized to construct a wagon road, not to exceed eighty feet in width, commencing at Downieville, in Sierra County, thence running south in the nearest and most practicable way to intersect Freeman's Toll-road at a point about two miles east of Forest City, in said county; and the said grantee, or his assigns, shall be authorized to collect tolls on said road for a period of twenty years from the completion of said road. Construction of toll-road authorized.

SEC. 2. The Supervisors of the County of Sierra shall from time to time regulate the tolls to be collected on said road. Tolls regulated.

SEC. 3. Said road shall be surveyed and completed within two years after the passage of this Act, and shall not hinder or obstruct nor interfere with any other traveled road in said county.

SEC. 4. Title Five, of the Civil Code, in relation to wagon road corporations, is hereby made applicable to this Act, so far as the same does not conflict with the provisions of this Act. Civil Code made applicable.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXL.—*An Act to authorize the construction of a wagon road from Sardine Creek, in Sierra County, to the head of Mohawk Valley, in Plumas County.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. William Wilbourn, or his assigns, is hereby authorized to construct a wagon road, not to exceed eighty feet in width, commencing at or near where the Sierra Valley and South Fork Turnpike crosses Sardine Creek; thence running north by the way of Thompson's Ridge, in the nearest and most practicable way, to the head of Mohawk Valley, in Plumas County; and the said grantee, or his assigns, shall be authorized to collect tolls on said road for a period of twenty years from the completion of said road. Construction of toll-road authorized.

SEC. 2. The Supervisors of the Counties of Sierra and Plumas shall from time to time regulate the tolls to be collected on said road. Tolls regulated.

When  
completed.

SEC. 3. Said road shall be surveyed and completed within two years after the passage of this Act, and shall not hinder, or obstruct, nor interfere with any other traveled road in said counties.

Civil Code  
made appli-  
cable.

SEC. 4. Title Five, of the Civil Code, in relation to wagon road corporations, is hereby made applicable to this Act, so far as the same does not conflict with the provisions of this Act.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXLI.—*An Act amendatory of and supplementary to an Act to regulate fees of office and salaries of officers in Modoc County, approved March second, eighteen hundred and seventy-eight.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Duties and  
compensa-  
tion of  
Clerk.

SECTION 1. Section five of said Act is hereby amended so as to read as follows: Section 5. The County Clerk must charge and collect for all services performed by him, or any of his deputies or assistants, as County Clerk or as ex officio Clerk of the Courts of record, County Auditor, County Recorder, or Clerk of the Boards of Supervisors, Equalization, and Canvassers, the fees, commissions, percentages, and salaries prescribed by this Act, and he may appropriate and retain for his own use, from such fees, commissions, percentages, and salaries, three thousand dollars per annum, if such sum shall accrue therefrom, which shall be in full compensation for all services rendered by him and his deputies and assistants in pursuance of law, as County Clerk and ex officio Clerk of the Courts of record, County Auditor, County Recorder, and Clerk of the Boards of Supervisors, Equalization, and Canvassers; *provided*, that if in any one year said fees, commissions, percentages, and salaries allowed by this Act shall exceed the sum of three thousand dollars, said Clerk shall pay the surplus over three thousand dollars to the County Treasurer for the use of the County General Fund.

Surplus;  
where paid.

SEC. 2. This Act shall take effect and be in force on and after its passage.



CHAP. CCCXLII.—*An Act to authorize the construction and maintenance of a bridge across the Tuolumne River, at the Town of Modesto.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Thomas D. Harp, John W. McCarthy, and George Perley, and their heirs and assigns, are hereby authorized and empowered to build, erect, construct, and maintain a public toll-bridge across the Tuolumne River, at the Town of Modesto, in the County of Stanislaus, and State of California, at a point on said river to be selected by said parties, within two miles of the railroad bridge, opposite the Town of Modesto, and the right of way for said bridge across said river at such point is hereby granted to them.

Construction of toll-bridge authorized.

SEC. 2. The said toll-bridge shall be constructed in a good and substantial manner and of the most durable materials, and shall have a draw-opening of sufficient dimensions to admit the passage of all boats, crafts, and vessels plying upon said Tuolumne River; and the said Thomas D. Harp, John W. McCarthy, and George Perley, and their heirs and assigns, shall, at all times, keep said draw in good working order and condition, and shall allow any boat, craft, or vessel to pass at any time; and said Harp, McCarthy, and Perley, their heirs and assigns, and each of them, shall be liable for any damages that may accrue by neglect or inattention to their duties as prescribed in this Act, to be recovered in any Court of competent jurisdiction.

Requirements of bridge.

SEC. 3. The said Thomas D. Harp, John W. McCarthy, and George Perley, their heirs and assigns, shall build, erect, and construct said toll-bridge within three years after the passage of this Act; and upon the completion thereof, said parties, their heirs and assigns, shall be authorized and empowered to charge and collect toll for the use of said bridge for the period of fifty years, and may maintain said bridge during said period for that purpose; and the Board of Supervisors of the County of Stanislaus shall have power and jurisdiction to fix and establish the rate of toll to be so charged and collected thereon.

When to be completed.

SEC. 4. The owners of said toll-bridge may regulate the speed of travel, riding or driving, upon said bridge, and they shall keep in some conspicuous place, on each end of the bridge, a bulletin board which shall contain the scale of tolls and rate of speed allowed on said bridge.

Scale of tolls, etc., to be kept.

SEC. 5. Any assignment or transfer of said bridge, or the franchise herein granted, or any interest therein, or in the right to charge and collect tolls on said bridge, shall be by instrument in writing, signed by the party assigning or transferring the same, or by his agent thereunto lawfully authorized and acknowledged, and recorded in the office of the County Recorder of the County of Stanislaus.

Assignment or transfer; how made.

SEC. 6. Said bridge and the franchises herein granted shall be liable to execution, subject to taxation, and descend

Bridge liable to execution.

as other property; and no other bridge or ferry shall be established within one mile above or below said bridge without the consent of the owners thereof.

Land at end  
of bridge;  
how ac-  
quired.

SEC. 7. Said Thomas D. Harp, John W. McCarthy, and George Perley, their heirs and assigns, are hereby authorized and constituted agents for the State of California to take such proceedings as are prescribed by the Code of Civil Procedure of this State, to acquire sufficient land at either end of said bridge to rest the same upon, and on which to erect such toll-houses and other appurtenances as may be necessary to the maintenance of said bridge, including the right of way for roads leading to and from said bridge. And said bridge so constructed and said roads shall be public highways.

Misde-  
meanor.

SEC. 8. Any person riding or driving over said bridge faster than the speed allowed by said bridge owners, shall be deemed guilty of misdemeanor, and, upon conviction thereof before any Justice of the Peace, shall be fined in any sum not less than five nor more than twenty dollars and costs of prosecution.

SEC. 9. This Act shall take effect on and after its passage.

CHAP. CCCXLIII.—*An Act to amend an Act entitled an Act to incorporate the Town of Chico, Butte County, California, approved January eighth, eighteen hundred and seventy-two.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Town of  
Chico.

SECTION 1. The corporation or body corporate now existing and known as the Town of Chico shall remain and continue to be a body politic and corporate under the name and style of the Town of Chico, and by that name shall have perpetual succession and by that name may sue and defend in all Courts, make contracts, purchase, receive, and hold property, sell, convey, or authorize the disposition of the same, and by that name may do any and all acts which are granted under this Act. The said Town of Chico may have a common seal.

Limits  
defined.

SEC. 2. The corporate limits of the Town of Chico shall be and remain as heretofore known of said Town of Chico, as follows: Commencing at the westerly end of First or Front Street, where Oak Street intersects it, and following the north side of Front Street to its intersection with Sierra Avenue; thence along the north side of said avenue to Orient Street; thence along the east side of Orient Street in a southerly direction to the center of Little Chico Creek, at a point opposite Humboldt Avenue; thence down and along the center of Little Chico Creek to a point opposite Oak

Street, and thence along and with the west side of Oak Street to the place of beginning.

SEC. 3. The corporate powers of said town shall be vested in a Board of Trustees to consist of five members. Government.

SEC. 4. On the first Monday of February of each year there shall be elected from and by the qualified electors of said town the successors of the Trustees then in office and whose terms are about to expire, and the term of office of such successors shall be three years from and after the first Monday of March next succeeding their election. In case any vacancy shall occur in said Board of Trustees the same shall be filled by a vote of the majority of the remaining members of the Board, and said appointee shall hold his office until the next election for Trustees, when said office shall be filled for the unexpired term, by election. All elections under this Act shall be held and conducted in accordance with the general election laws of this State. Election of Trustees.  
  
Vacancy; how filled.

SEC. 5. Two weeks' notice of the election for Trustees shall be given by the President and Secretary of the Board of Trustees, by publication in such newspaper printed in the Town of Chico as the Board may direct; such notice shall designate the time and place of holding such election, and shall name one Inspector and two Judges of Election for each precinct or ward in said town; *provided*, that if at any time the President and Secretary shall fail to give such notice, the electors of said town may meet on the morning of election day, at the usual voting places in said town, and appoint Inspectors and Judges of Election, and may hold said election, and the same shall be as valid and binding as if notice had been given as herein provided. Notice of election to be given.

SEC. 6. Within ten days after said election, the Trustees shall meet and canvass the returns of said election, and shall declare the result of the same, and the Secretary of the Board shall immediately issue and cause to be delivered to each and every Trustee, so declared elected, a certificate of his election. Before entering upon the duties of his office, each Trustee and each officer of said corporation shall take the usual oath of office. Trustees to canvass returns, etc.

SEC. 7. The Board of Trustees shall choose a President from their number. It shall be the duty of the President to preside at all meetings of the Board of Trustees, to exercise a general supervision over the acts of the other officers of the corporation, and to countersign all warrants drawn upon the treasury by order of the Board of Trustees. He shall have power to enforce order and decorum at the meetings of the Board, and may punish by fine not exceeding twenty-five dollars, or by imprisonment not exceeding twenty-four hours, or by both fine and imprisonment, offenses against the regulations of the Board; said fines may be collected as other fines are for breach of ordinance. They shall also elect a Secretary of the Board, not of their number, whose duties shall be to keep the papers and documents of the Board and to file them in his office under appropriate heads; to attend all the meetings of the Board and keep a correct President, powers and duties of.  
  
Secretary, duties of.

journal of its proceedings, and a record of its ordinances; to sign all warrants issued in pursuance of the orders of the Board, and in a suitable book provided for the purpose keep an accurate account of all such warrants; the ordinances shall be numbered in the order of their passage and suitably indexed. He shall keep the seal of the corporation and be ex officio Town Clerk. He shall receive as salary such sum per annum as the Board of Trustees shall allow him, not to exceed the sum of five hundred dollars.

Salary.

Marshal  
elected.Duties of  
Marshal

SEC. 8. There shall be elected at the annual election for Trustees for the Town of Chico, a Marshal. The Board of Trustees shall have power and it shall be their duty to appoint a Treasurer and the police force required, and to make such regulations governing the police force as they may deem necessary, and to provide for the payment of their salaries for services rendered. The Marshal shall be ex officio Assessor and Collector, and shall collect such taxes as may be levied by the Board of Trustees, and shall pay such taxes, less his commissions (which shall be allowed by the Board), over to the Treasurer, taking his receipt therefor. He shall collect and pay over to the Treasurer all fines and costs levied and imposed by reason of a violation of an ordinance of the town, and for such purpose shall have the power conferred by law upon Constables. He shall arrest all persons against whom a warrant shall be directed and delivered to him from any Justice of the Peace or Police Judge of the town, and may arrest without a warrant any person actually engaged, in his presence, in the violation of an ordinance. He shall give bonds in the sum of two thousand dollars, conditioned for the faithful performance of his duties, and shall receive as compensation one hundred and twenty-five dollars per month, and said salary shall be provided for by the Board of Trustees out of the General Fund of the town. He shall receive no other compensation for his services than that provided for in this Act. It shall be the duty of the Treasurer to receive all moneys due the town, to pay all warrants drawn by order of the Board, signed by the Secretary and countersigned by the President, and to keep an accurate account of all receipts and expenditures, and to present to the Board a full report of the financial condition of the corporation one month before the annual election and at such other times as the Board may require. He shall give bonds in the sum of five thousand dollars, conditioned for the faithful performance of his duties, and shall receive as compensation for his services an annual salary of such sum as the Board may award him, not to exceed one hundred dollars per annum.

Bond.

Duty of  
Treasurer.

No compensation.

SEC. 9. A majority of the Trustees shall constitute a quorum to do business. They shall be allowed no compensation for their services.

Power of  
Trustees.

SEC. 10. The Board of Trustees shall have power:

*First*—To make ordinances for the government of said town not repugnant to the Constitution and laws of this State.

*Second*—To levy and collect annually a tax not to exceed

one per cent. on the assessment valuation of all property, both real and personal, owned within said town. Power of Trustees.

*Third*—To impose and collect a road poll tax, not to exceed two dollars per annum, on each male inhabitant of said town of the age of twenty-one years and upwards, and no other road poll tax shall be collected within the limits of said town.

*Fourth*—To impose and collect a tax, not to exceed two dollars per annum, on every dog owned within the limits of said town, and no other dog tax shall be collected in said town.

*Fifth*—To establish and alter fire limits; to erect, purchase, or lease proper buildings for a fire department; to purchase, hold, and maintain one or more fire engines, and such apparatus and implements for the prevention and extinguishment of fires as may be necessary, and to establish, regulate, and control a fire department in said town.

*Sixth*—To regulate the storage of gunpowder, tar, pitch, rosin, and other explosive or combustible materials; to regulate the erection of steam-boilers and engines, and to prohibit the erection thereof in places deemed dangerous to inhabitants of said town.

*Seventh*—To determine what are nuisances; to prevent, remove, or abate the same at the expense of the party causing such nuisance; to control and regulate soap and glue works, slaughter houses, tanneries, and other offensive trades, and to provide for their exclusion or removal from the town limits or any part thereof.

*Eighth*—To prevent any or all domestic animals from running at large within the limits of said town either all or a portion of the time; to prevent the leaving of animals in any street or alley without securely fastening the same; to prohibit the fastening to or otherwise destroying or injuring any fence, gate, or building, lamp-post, hydrant, tree, or case around a tree in said town, and to regulate and prohibit fast driving in any portion of the town.

*Ninth*—To provide for the regulation and prevention of contagious diseases; to provide and enforce regulations for the protection of health and cleanliness; to control and regulate interments, and to provide for the prevention and summary removal of all filth and garbage.

*Tenth*—To establish a pound and Pound-keeper, and prescribe his duties and fees; to provide for a public sale by the Pound-keeper of all animals that shall be impounded; to provide when and what animals shall be impounded; to provide for the repayment to the owner within a limited time of the money arising at sale of impounded animals, less such cost as the Board may provide.

*Eleventh*—To permit the laying of railroad tracks and the running of cars drawn by horse or steam thereon, making such prohibition and restrictions as the safety of the town may demand, and to fix and regulate the rate of speed at which cars drawn either by horse or steam may be run within the town limits.

*Twelfth*—To prevent the discharge of pistols, fire-arms, fire-works, or cannon within prescribed limits.

Power of  
Trustees.

*Thirteenth*—To establish, alter, and repair town prisons and regulate the same; to provide for the care, feeding, and clothing of town prisoners; to provide for the formation of a chain-gang of persons convicted of crimes and misdemeanors, and their employment for the benefit of the town, and to provide for the arrest and compulsory working of vagrants.

*Fourteenth*—To establish and regulate markets and market places.

*Fifteenth*—To prohibit and suppress all houses of ill-fame and prostitution, dance-houses, fandango houses, cock-fights, bull-fights, dog-fights, and all exhibitions and amusements which are against good morals and public decency.

*Sixteenth*—To fix and collect a license tax on all shows, theatrical and circus performances, and all other performances where an admission fee is charged, or which may be held in a place where wines or liquors may be sold to the participators; and on all billiard tables and bowling alleys, and to regulate and restrain the same; *provided*, that no license imposed under this clause shall exceed twenty dollars per quarter.

*Seventeenth*—To regulate and fix the rate and collect a license tax upon all kinds of business, employments, trades, or occupations of a lawful nature, carried on within the town limits; *provided*, that no license imposed by the Board under this clause shall exceed fifty dollars per quarter of three months, excepting the hotel license, which shall not exceed twenty-five dollars per quarter.

*Eighteenth*—To prohibit and suppress gambling, and to provide a penalty, not exceeding five hundred dollars fine, or six months imprisonment, for a conviction under the ordinances made for such purpose.

*Nineteenth*—To purchase or lease such real or personal property, and to erect such buildings as may be necessary for town officers and a town prison, or, for the interests of said town, to sell, convey, or mortgage the same when deemed necessary by said Board.

*Twentieth*—To construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for supplying the town with water; to provide for the establishment, regulation and maintenance of water-works, and to grant permission to lay water pipes in the streets of said town, with such restrictions and prohibitions as the interests of the town may demand.

*Twenty-first*—To provide for and regulate the lighting of the streets of said town.

*Twenty-second*—To lay out streets and alleys; to declare any streets now open, or which may be hereafter opened, public streets; to determine the width and grade of all streets, alleys, and sidewalks in said town; to regulate and direct the planting of shade trees on the streets of said town, and to provide for draining the same.

*Twenty-third*—To provide for the improvement and repair of streets, and the construction, improvement, and repair of sidewalks, in the manner hereinafter provided in this Act.

*Twenty-fourth*—To provide when and at what places on the streets of said town crossings may be made, to remove the same, and to regulate and prescribe the manner of construction thereof, and of what materials to be made. Power of Trustees.

*Twenty-fifth*—To provide for inclosing, improving and regulating all public grounds at the expense of the town.

*Twenty-sixth*—To provide for the good order of the town, and appoint special policemen when necessary.

*Twenty-seventh*—To provide for the numbering of all buildings facing on the streets of said town.

*Twenty-eighth*—To order paid any final judgment against said town; but none of the lands, or property of any kind or nature, taxes, revenues, franchises, or interests shall be attached, levied upon, or sold in or under any process whatever.

SEC. 11. The said Board of Trustees shall sit as a Board of Equalization, and shall be governed by the general laws of the State regulating the powers and duties of the County Boards of Equalization in similar proceedings. All taxes levied under the provisions of this Act are hereby made a lien against the property assessed, which lien shall attach on the day of the levy, and shall not be satisfied or removed until such taxes are paid, or the property has absolutely vested in a purchaser under sale for such taxes. Board of Equalization.

SEC. 12. The Board of Trustees shall have no power to create any indebtedness exceeding three thousand dollars in the aggregate upon the credit of the town. Warrants shall not be drawn upon the Town Treasurer unless there be sufficient money in the town treasury to meet the same, after paying the current expenses of the town and all demands legally due. The Board of Trustees shall have the further power, when they may deem essential the expenditure of a larger sum of money than is specified in this section as the limit of their power, to contract indebtedness on the credit of the town, to make suggestions as to the sum needed, the purpose of its use, and appoint the time and place of holding an election in conformity with the provisions of this Act governing other elections, at which the qualified electors of the town may vote for or against a special tax for the purposes designated. The ballots to be used at such election shall have printed on them, "For the special tax—Yes;" or, "For the special tax—No." Indebtedness created by Trustees limited.  
Election for special tax.

SEC. 13. The Board of Trustees shall meet on the first Monday of every month, and at such other times as the President may deem necessary. The place of meeting shall be fixed by ordinance. Meetings of Trustees.

SEC. 14. The Board of Trustees shall, by ordinance, fix the time and manner of assessing property and of collecting all taxes hereinafter provided for, and the time and manner of selling property for such taxes when unpaid. All property sold for such unpaid taxes shall be subject to redemption upon the same conditions as property sold for State and county taxes. Assessment of property regulated.

SEC. 15. All ordinances passed by the Board of Trustees shall be signed by the President and Secretary, and published Ordinances; requirements of.

in such newspaper printed in the Town of Chico as the Board may direct.

Power of Board to fill vacancies, etc.

SEC. 16. The Board of Trustees shall have power to examine into the official conduct of any of the officers of the corporation, and if, in the judgment of said Board, an officer has been guilty of misfeasance or malfeasance in office the Board may remove him from office, and fill any vacancy occasioned by death, resignation, or otherwise. The person so appointed shall hold office until the next annual election.

Alteration and laying out of streets, etc.

SEC. 17. The Board of Trustees shall have power, upon the petition of a majority of the owners of real estate fronting on both sides of any projected street or alley, or upon a street or alley already established, and sought to be extended or altered, to lay out, to extend, or to alter such street or alley if they deem it necessary for the public good. Whenever the Board orders such street or alley to be laid out, extended, or altered, and it becomes necessary to take private property for the purpose of laying out, extending, or altering the same, and the Board of Trustees cannot agree with the owner thereof as to the price to be paid, they may direct proceedings to be taken under Title Seven, Part Three, of the Code of Civil Procedure to procure the same.

Petition for improvements.

SEC. 18. If at any time the owners of more than one-half in frontage of lots and land fronting on any street, or proposed street, between two given points on such street, or their duly authorized agents, shall petition the Board of Trustees to order such street to be graded, macadamized, provided with sewers, or otherwise improved, then it shall be the duty of the Board to determine and draw up, or cause to be drawn up, plans and specifications of the character of and the improvements to be made on such street, and order such improvements to be made, in accordance with such plans and specifications, and may make an assessment of the cost thereof to each of the persons owning the real estate fronting on such street, between said points, at such rate per front foot as may be necessary to pay the cost of such work, expenses; and such assessment shall constitute a lien on such property until the same is paid. All work under the provisions of this section to be let by contract to the lowest bidder.

Construction and repair of sidewalks

SEC. 19. If at any time the owners of a majority of the real estate fronting on one side of any street shall petition the Board of Trustees to order constructed, altered, or repaired, a sidewalk along such side of said street, between two given points, it shall be the duty of said Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of the sidewalk, and order such improvement to be made, as petitioned for, in accordance with said plans and specifications, and shall make an assessment of the cost thereof to each of the persons owning the real estate fronting on that side of the street, between the given points, each of said persons to pay the cost of the improvements in front of his own property, and the same shall constitute a lien on such real estate until the assessment is paid or satisfied; *provided*, that each person

Lien constituted.



shall have the privilege of making such improvement in front of his property, in accordance with the specifications and within the time mentioned in the order requiring such improvement to be made; but if not so made, the Board of Trustees shall have power to order it done, and the cost thereof shall remain assessed to and be a lien on the land, as aforesaid.

SEC. 20. Whenever, in the opinion of the Board of Trustees, it shall become necessary to construct or repair a culvert or sidewalk, at the intersection of streets, they shall have power to order the Marshal to construct or repair the same. When such culvert or sidewalk shall run parallel with a street, the cost of the same shall be assessed by the Board of Trustees to the two quarter blocks adjacent thereto on the same side of the street, and each lot or part of lot on such quarter block shall be assessed separately in proportion to its amount of frontage on the street to which said culvert or sidewalk is parallel. The said assessment shall be a lien on such property until paid or satisfied; *provided*, said Board of Trustees may assess less than the entire cost of such improvement on such two quarter blocks, and pay the balance or pay the entire cost out of the town treasury.

Assessment  
for improve-  
ments on  
crossings;  
how made.

SEC. 21. Whenever any street to be improved, as provided in section eighteen of this Act, shall cross any other street the expense of the improvement on such crossing shall be assessed by the Board of Trustees on the four quarter blocks adjoining and cornering on such crossing, and each lot or part of lot in such quarter block, fronting on such street when [where?] the improvement is to be made, shall be separately assessed according to its proportion of frontage on such street sought to be improved, and such assessment shall constitute a lien on such real estate until paid or satisfied; *provided*, that the Board of Trustees may assess less than the entire cost of such improvement on such four quarter blocks, and may pay the balance, or may pay the entire cost, of said improvement out of the town treasury.

Same.

SEC. 22. When any street, sidewalk, or gutter, or any portion of the same, becomes out of repair, dangerous, or in a condition to cause public inconvenience, and shall be so determined by the Board of Trustees, the Marshal shall, by notice in writing, to be delivered personally to the owners, occupants, or tenants of any real estate (or if unoccupied, by posting the same on the premises) in front of which such repairs or improvements are required to be made, require them to make such repairs or improvements forthwith, particularly specifying in such notice what improvements or repairs are required to be made; *provided*, that no one shall be required to make any repairs or improvements further from such real estate than the middle of the street. If such improvements or repairs are not commenced within three days after such notice is given, and diligently prosecuted to completion, the Town Marshal shall have authority and power to contract for the doing of the work, and may pay for doing the same such price as may be reasonable and just, and such owner shall be liable to pay the same; and all

Repairs of  
dangerous  
sidewalks  
and gutters;  
by whom  
made.

Marshal to  
give notice  
of cost.

sums of money contracted to be paid for such work shall be a lien upon the real estate in front of which, to the middle of the street, such work shall have been done, and remain a lien on the same until paid or satisfied. Upon the completion of such repairs or improvements, the Marshal shall give notice to the owners, occupants, or tenants of such real estate (or if unoccupied, by posting on the premises), of the amount of the cost of the same, and requiring the same to be paid within twenty days, to the Collector of the town, and shall immediately thereafter give the said Collector a written statement containing a description of the work done, the date of the order directing it, the amount of the cost thereof, the description of the land to be charged with said cost, the name of the owner, if known, and the date and manner of service of said last mentioned notice. If the amount named in such notice is not paid to said Collector within twenty days after the delivery or posting of such notice, he shall declare the same delinquent by an entry on said statement, and add five per cent. to the amount. He shall then proceed to collect the amount so delinquent from the sale of the property in the manner provided in section twenty-three of this Act, being for that purpose vested with all the powers therein given him.

Board to  
direct  
Assessor to  
make list of  
property;  
when.

SEC. 23. When any work, to be done under the provisions of sections eighteen, nineteen, twenty, twenty-one, and twenty-two of this Act, shall have been ordered by the Board of Trustees, they shall direct the Assessor of the town to make a full and complete list of the property to be charged with the expense thereof, and when known, the names of the owners of each lot or part of lot set opposite the same, specifying the number of front feet in each lot so charged, and the rate per front foot that each lot has been assessed, and shall carry out the full amount to be charged against each separate lot or parcel of land into a separate column, and the total shall be added up at the foot thereof. Such list shall be completed and delivered to said Board within ten days, unless the Board shall by order grant further time. When the said list shall have been approved by the Board, they shall cause the same to be delivered to the Collector of the town. When the work so ordered shall have been completed and accepted by said Board, they shall direct the Collector to proceed and collect the several amounts so assessed. The Collector shall thereupon give notice to parties interested, by two weeks' publication in some newspaper printed in said town, stating that said assessment is due, and requiring the same to be paid within thirty days from the first publication of said notice, and when any payment is made he shall write the word "paid" against each amount. When persons have themselves made improvements, required by section nineteen of this Act, upon the completion of the thirty days, the Collector shall mark their assessments paid, and shall declare the unpaid assessments to be delinquent by an entry in writing at the foot of the roll, and then add five per cent. to each sum so delinquent. He shall then proceed, after giving notice as required by law, in the col-

Collector to  
give notice.

lection of State and county taxes upon real estate, to collect the various amounts, including the percentage aforesaid, the cost of advertising, and such other costs as are allowed by law in the collection of State and county taxes, from the sale of the property, or so much thereof as may be necessary, which sales he is hereby authorized to make. In all things concerning such sales, the execution of certificates and deeds, the said Collector shall be governed by, and as nearly as practicable conform to, the same rules and directions as are contained in the laws now in force, or which may be, from time to time in the County of Butte, providing for the sale of property for the collection of State and county taxes which have become delinquent, the same powers being hereby conferred on said Collector as are or may be given to Tax Collectors of said county in cases of sale of real estate for the collection of delinquent State and county taxes.

Collector governed; by what.

SEC. 24. The Board of Trustees may exercise and carry into effect all powers conferred on them by sections seventeen to twenty-three inclusive, of this Act, by motions, resolutions, or orders, spread on the minutes of the proceedings of said Board.

SEC. 25. The Board of Trustees shall have power to contract for the printing required by said town; and it shall be their duty to give two weeks' notice, to be published in some newspaper in said town, that they will, at their regular meeting in March of each year, receive proposals to do the corporation printing for the period of one year from said date. At said meeting the bids shall be opened by the Board, and the contract awarded to the lowest responsible bidder, upon his executing a bond, in the sum of five hundred dollars, for the faithful performance of his duties.

Contract of printing; to whom awarded.

SEC. 26. The Board of Trustees shall have power, by ordinance, to impose and collect a road poll tax not exceeding two dollars per annum, on each male inhabitant of said town, of the age of twenty-one years and upwards, and no other road poll tax shall be collected within the limits of said town; said town and its inhabitants shall be exempt from the provisions of, and the tax imposed by, section four of an Act concerning roads in the County of Butte, approved March twentieth, eighteen hundred and seventy-four, and all other amendatory thereof.

Poll tax.

SEC. 27. If, at any time, the owner or owners of more than one-half in frontage of lots and lands fronting on any street, between two given points, or his or their duly authorized agent or agents, shall petition the Board of Trustees to order such street to be sprinkled between such points, specifying in such petition the number of days, exclusive of Sundays, commencing at a given date, for which it is to be sprinkled, and the number of times each day, then it shall be the duty of said Board to order such street, between the points named, to be sprinkled as prayed for, and may make an assessment of the cost thereof to each of the persons owning real estate fronting on such street between the points named, at such rate per front foot as may be necessary to pay the cost of such

Town exempted from certain Acts.

Petition for street sprinkling.

work; and such assessment shall constitute a lien on such real estate until paid. All work done under the provisions of this section to be let by contract to the lowest bidder.

Appoint-  
ment of  
attorney;  
duties of.

SEC. 28. The Board of Trustees may appoint an attorney, and allow him for his services what they may be reasonably worth, and also such fees in cases of conviction for breaches of ordinances as the Board may fix. It shall be his duty to attend all meetings of the Board of Trustees, when required by the Board or any member thereof; to conduct on behalf of the town all prosecutions for breaches of ordinances of said town; to defend all suits brought against the town; to prosecute all actions brought for the recovery of debts, fines, forfeitures, and penalties accruing to the town, and give, when required by the Board, without fee, his opinion in writing, on matters relating to the duties of the several officers of the town, and the government and control thereof.

Election of  
Police  
Judge.

Jurisdiction  
of same.

SEC. 29. A Police Judge shall be elected at the election to be held on the first Monday in February, one thousand eight hundred and seventy-nine, and each year thereafter, and shall hold office for one year from and after the first Monday in March succeeding his election. Such Police Judge shall have jurisdiction within said town of actions for fines, penalties, or forfeitures imposed for breaches of ordinances of said town; of proceedings respecting vagrants and disorderly persons, and of all actions, civil and criminal, arising in said town; the jurisdiction of said Police Judge shall be the same as given to Justices of the Peace by the general laws of the State; *provided*, that in the event of the absence or other inability of said Police Judge, either of the Justices of the Peace of Chico Township may act in his stead, and for the occasion be ex officio Police Judge; *provided*, that until a Police Judge shall be elected and qualified under this section the Board of Trustees may select and designate any Justice of the Peace of Chico Township to be ex officio Police Judge.

Proceedings,  
etc., under  
this Act; how  
commenced.

SEC. 30. All proceedings and actions under this Act, or under any ordinances passed in pursuance thereof, shall be commenced by a complaint setting forth the cause of action, so as to enable the defendant to understand the nature of the offense charged and to answer the complaint. All such complaints shall be verified by the party making them. The answer to the complaint may be oral or in writing, and immediately after answering the matter shall be tried, unless for good cause shown an adjournment be granted. In all cases the defendant shall, on demand, be entitled to a trial by jury.

Disposal  
of fines.

SEC. 31. No fine imposed under this Act shall exceed five hundred dollars, nor imprisonment exceed three months.

SEC. 32. The Police Judge shall pay over all fines collected by him for breaches of ordinances to the Town Treasurer, taking his receipt therefor. The Police Judge's salary shall be fixed by the Board of Trustees; *provided*, such salary shall not be greater than one hundred dollars per month.

SEC. 33. No member of the Board of Trustees shall be

directly or indirectly interested in any contract or sale of anything belonging to said town, or any work or business ordered to be executed by authority of said Board. For a violation of this section the member so offending shall be expelled from the Board. Trustees to be disinterested in contracts.

SEC. 34. The Board of Trustees shall have power to fix a fine not exceeding five hundred dollars, and a term of imprisonment not exceeding three months, as the penalty for violation of any town ordinance; *provided*, that whenever sentence of imprisonment is passed upon an offender, the Police Judge shall include in such sentence that such offender shall be subject to labor under the charge of the Marshal, in accordance with the provisions of an ordinance made for that purpose. The Police Judge shall also in any suit tax the costs thereof against the person so convicted, and the same may be collected by execution as in civil cases. Penalty for violation of ordinances.

SEC. 35. This Act shall not have the effect of shortening the term of office of any persons holding office under the Act to which this is amendatory. All ordinances of said Town of Chico, made under the Act of which this is amendatory, shall be and remain in effect as the ordinances of said town as though made under this Act, so far as the same are in accordance and do not conflict with the provisions of this Act. Act not to shorten term of office.

SEC. 36. All Acts or parts of Acts heretofore passed to incorporate the Town of Chico, and all Acts and parts of Acts conflicting with this Act, so far as they affect the Town of Chico, are hereby repealed.

SEC. 37. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXLIV.—*An Act supplemental to an Act entitled an Act to re-incorporate the City of Sonora, Tuolumne County, approved January twenty-fourth, eighteen hundred and seventy-eight.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. In case any property shall become delinquent for said tax and shall be offered for sale for such delinquent tax, and there is no purchaser in good faith for the same, as provided by law, on the first day that the property is offered for sale, then when the property is offered thereafter for sale, and there is no purchaser in good faith of the same, the whole amount of the property assessed shall be struck off to the Trustees of the City of Sonora, for the benefit of said city, and the duplicate certificate shall be delivered to the City Clerk and filed by him in his office. Disposal of delinquent property not purchased.

SEC. 2. The Trustees shall also, on or before the first Monday in April in each year, levy a street poll tax, not exceeding three dollars per capita, upon each and every able- Street poll tax.

When delin-  
quent. bodied male inhabitant residing in said city, between the ages of twenty-one and sixty years, which tax shall be kept apart from the other of said city, and shall be expended under the directions of the Trustees only for the repair and improvement of the streets, bridges, sewers, and drains of said city. Said tax shall become delinquent on the first Monday of May in each year, and shall be collected by the Collector of said city at any time thereafter, in the same manner provided by law for the collection of State poll taxes.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCXLV.—*An Act to create an irrigation district, to be called "The West Side Irrigation District," embracing certain portions of the Counties of San Joaquin, Stanislaus, Merced, and Fresno.*

[Approved March 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Boundaries  
of irrigation  
district  
defined.

SECTION 1. All that certain territory situated in the Counties of San Joaquin, Stanislaus, Merced, and Fresno, and bounded as follows, viz.: Beginning at a point on the official line between the Counties of Alameda and San Joaquin, State of California, at the intersection thereof with the line between the swamp and overflowed lands and high lands, which point is eight and ninety-five one-hundredths chains east of the corner of sections twenty-nine, thirty, thirty-one, and thirty-two, in township one south, range four east, Mount Diablo meridian, and running thence along the said line between the swamp and overflowed lands and the high lands east seven and thirty-five one-hundredths chains; thence south fifty-seven degrees east eleven and fifty one-hundredths chains; thence south eighty degrees east fourteen chains; thence south seventy-seven and one-fourth degrees east seventeen and twenty one-hundredths chains; thence south thirty-three and one-half degrees east eighteen and twenty one-hundredths chains; thence south sixty-eight degrees east twelve and fifty one-hundredths chains; thence south forty-eight degrees east fifty-six and eighty one-hundredths chains; thence south sixty-eight and one-fourth degrees east nineteen and seventy one-hundredths chains to the line between townships one and two south, range four east, eighteen chains east of the corner of sections thirty-three, thirty-four, three, and four; thence south forty-six degrees east sixty-one and sixty one-hundredths chains; thence south thirty-six chains; thence south thirteen and one-half degrees east forty-one and eighty one-hundredths chains; thence north sixty-five and one-half degrees east, nine and fifty one-hundredths chains; thence north forty-

nine and one-half degrees east fourteen and fifty one-hundredths chains; thence south sixty-four and one-half degrees east forty-two chains; thence south fifty-two degrees east forty and fifty one-hundredths chains; thence south fifty-eight degrees east sixty-five chains; thence north seventy-five degrees east (at twenty-five and eighty one-hundredths chains intersecting the lines between townships two south, ranges four and five east, forty-two chains north of the southeast corner of section eighteen) one hundred and seventy-seven and seventy one-hundredths chains; thence east thirty-six chains; thence north eight chains; thence north eighty-three and one-fourth degrees east eighty-one and eleven one-hundredths chains to the dividing line between sections nine and ten, township two south, range five east; thence south along said line ninety-one and forty-nine one-hundredths chains to the common corner of sections fifteen, sixteen, twenty-one, and twenty-two, township two south, range five east; thence east two hundred and forty chains to the northeast corner of section twenty-four, township two south, range five east; thence south thirty-three degrees and forty-one minutes east seven hundred and twenty-one and eleven one-hundredths chains to the southeast corner of the northeast quarter of section twenty-six, township three south, range six east; thence east one hundred and twenty-six and seventy-six one-hundredths chains; thence south fifty-four and one-fourth degrees east six chains; thence south sixty-five and one-fourth degrees east thirty-two and thirty one-hundredths chains; thence east ten chains; thence south thirty-six chains; thence south fifty degrees east forty-seven and eighty one-hundredths chains; thence south seventeen and one-half degrees east thirty-eight chains to the line between townships three and four south, range seven east, fifty-nine chains east of the corner to sections thirty-one, thirty-two, five, and six; thence south forty-two degrees east fifty-four and eighty one-hundredths chains; thence south fifteen and eighty one-hundredths chains; thence south forty-one and one-half degrees east thirty chains; thence south forty-six degrees west twenty-six and eighty one-hundredths chains; thence south fifteen and twenty one-hundredths chains; thence south fifty-five degrees west sixteen and one-half degrees east fifty-two and seventy one-hundredths chains; thence south forty-eight degrees east ninety-one and fifty one-hundredths chains; thence east twenty-one chains; thence north seventy-three degrees east sixty-one and eighty one-hundredths chains; thence east twenty-one chains; thence south twenty-one chains; thence south thirty-five degrees west thirty-seven chains; thence south nineteen and one-half degrees west twenty-five and sixty one-hundredths chains; thence south eighteen and one-half degrees east twenty-seven chains; thence south eighteen chains; thence south sixty-five degrees east forty-three and seventy one-hundredths chains; thence south seventy and one-half degrees east forty-one and seventy one-hundredths chains; thence south six chains; thence south sixty-eight degrees east

Boundaries  
of irrigation  
district  
defined.

Boundaries  
of irrigation  
district  
defined.

thirty-seven chains; thence south seventy-eight and one-fourth degrees east forty-five and twenty one-hundredths chains to the corner of sections twenty-five, thirty-six, thirty, and thirty-one, on the line between townships four south, ranges seven and eight east; thence south seventy-one degrees east twenty-six chains; thence south forty-two degrees east fifty-six and seventy-eight one-hundredths chains; thence east twenty-two chains; thence south forty-five degrees east (at nine and fifty one-hundredths chains intersecting the boundary line between the Ranchos El Pescadero and Del Puerto) forty and fifty one-hundredths chains to the first standard south, between townships four and five south, range eight east, twenty-nine chains east of the corner to sections thirty-one and thirty-two; thence south sixteen chains; thence south twenty-two and one-fourth degrees east forty-four and sixty one-hundredths chains; thence south twenty-eight chains; thence east twenty-three and twenty one-hundredths chains; thence south thirty-three and one-fourth degrees east fifty-six and fifty one-hundredths chains; thence east twelve chains; thence south sixty-six and one-half degrees east eleven chains; thence south twenty-three chains; thence south twenty-six degrees east thirty-two and ninety one-hundredths chains; thence south forty-nine and one-fourth degrees west ten chains; thence south eleven degrees east thirteen chains; thence south fifty-three degrees east thirteen and sixty one-hundredths; thence east fifteen and fifty one-hundredths chains; thence north four and fifty one-hundredths chains; thence east ten chains; thence south twenty-six chains; thence east two chains; thence south fifty-three degrees twenty and eighty one-hundredths chains; thence south seventy-eight and one-half degrees east twelve and thirty one-hundredths chains; thence south thirty and three-fourths degrees east forty-nine chains; thence south twenty-eight and one-fourth degrees west twenty-seven and seventy one-hundredths chains; thence south three and one-fourth degrees east fifty-nine chains; thence south forty-four degrees east twenty-nine chains; thence east six chains; thence south two and sixty one-hundredths chains; thence south forty-three and one-fourth degrees east thirty-four and fifty one-hundredths chains; thence south fifty-four degrees east seventy and forty one-hundredths chains; thence east twenty-four chains; thence south ten chains to the line between townships five and six south, range eight east, twenty-four chains east of the corner of sections thirty-five, thirty-six, one, and two; thence south nineteen degrees west nineteen and thirty one-hundredths chains; thence south nineteen degrees east forty-four chains; thence east nineteen chains; thence south twenty-five and three-fourths degrees east (at thirteen chains intersecting the boundary line between the Ranchos del Puerto and Orestimba) twenty-two chains; thence south fifty-six and three-fourths degrees east twenty and seventy one-hundredths chains to the line between townships six south, ranges eight and nine east, sixty-eight and seventy one-hundredths chains north of the corner of sections twelve,



thirteen, seven, and eighteen; thence north two and thirty one-hundredths chains; thence east fifteen and twenty one-hundredths chains; thence south fifty-five and one-half degrees east thirty-four and forty one-hundredths chains; thence south six chains; thence south fifty-nine and one-half degrees east eighteen and thirty one-hundredths chains; thence south sixty-four and one-half degrees east twenty-two chains; thence north two and fifty one-hundredths chains; thence south sixty-six and one-half degrees east forty-one and fifty one-hundredths chains; thence south thirty-one and three-fourths degrees west fourteen chains; thence east nine chains; thence south forty-four chains; thence south sixty-one and one-fourth degrees east twenty and fifty one-hundredths chains; thence south eighteen and one-fourth degrees east ten chains; thence south twenty and one-fourth degrees west sixteen and eighty one-hundredths chains; thence east three chains; thence south fifteen and three-fourths degrees east fifty-nine chains; thence east six chains; thence south seven and fifty one-hundredths chains; thence south forty-two degrees west twenty chains; thence south forty-six and one-half degrees west twenty-two chains; thence south fifty-one degrees east thirty-five and twenty one-hundredths chains; thence south ten chains; thence south twenty-nine and one-fourth degrees east thirty-nine and seventy one-hundredths chains; thence south fifteen degrees east eighty-two and sixty one-hundredths chains to the line between townships six and seven south, range nine east, forty-one chains east of the corner of sections thirty-two, thirty-three, four, and five; thence south seventeen and one-fourth degrees east fifty-five and sixty one-hundredths chains; thence east twelve chains; thence south twenty and one-fourth degrees east twenty-nine and fifty one-hundredths chains; thence south twenty-one degrees west eighty-five and twenty one-hundredths chains; thence east two chains; thence south seventeen and fifty one-hundredths chains; thence south forty-three and one-half degrees east twenty-two chains; thence south twelve and fifty one-hundredths chains; thence east forty chains; thence south twenty chains; thence east thirty chains; thence south sixty chains; thence east ten chains; thence south twenty chains; thence east ten chains; thence south twenty chains; thence east twenty chains; thence south ten chains; thence east twenty chains; thence south twenty chains; thence east twenty chains; thence south ten chains; thence east ten chains; thence south twenty chains; thence east ten chains to the corner of townships seven and eight south, ranges nine and ten east, on the boundary line of the Rancho Orestimba; thence east forty chains; thence north thirty chains; thence east forty chains; thence north ten chains; thence east forty chains; thence south thirty chains; thence east twenty chains; thence south ten chains; thence east

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district  
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twenty chains to the corner of sections thirty-two, thirty-three, four, and five, between townships seven and eight south, range ten east; thence south nineteen and sixty-six one-hundredths chains; thence east ten chains; thence south twenty chains; thence east ten chains; thence south forty chains; thence east twenty chains; thence south eighty chains; thence east forty chains to the corner of sections nine, ten, fifteen, and sixteen, in township eight south, range ten east; thence south twenty chains; thence east ten chains; thence south sixty chains; thence west ten chains, to the corner of sections fifteen, sixteen, twenty-one, and twenty-two, in township eight south, range ten east; thence south forty chains; thence east eighty chains; thence south twenty chains; thence east thirty chains; thence south sixty chains; thence east thirty chains; thence south forty chains; thence east twenty chains, to the corner of sections twenty-five, twenty-six, thirty-five, and thirty-six, in township eight south, range ten east, and on the boundary line of the Rancho Sanjon de Santa Rita; thence along said boundary line south eighty chains to the corner of sections thirty-five and thirty-six on the second standard south between townships eight and nine south, range ten east; thence leaving said boundary line east seventeen and seventy-eight one-hundredths chains; thence south twenty chains; thence east ten chains; thence south forty chains; thence east ten chains; thence south forty chains; thence east twenty chains; thence south twenty chains; thence east twenty chains; thence south forty chains; thence east ten chains to the corner of sections twelve, thirteen, seven, and eighteen, on the line between townships nine south, ranges ten and eleven east; thence south thirty chains; thence west twenty chains; thence south fifty chains; thence east twenty chains to the corner of sections thirteen, twenty-four, eighteen, and nineteen, on the line between townships nine south, ranges ten and eleven east, on the boundary line of the Rancho Sanjon de Santa Rita; thence south forty chains; thence east ten chains; thence south sixty chains; thence west ten chains to the line between townships nine south, ranges ten and eleven east, twenty chains south of the corner of sections nineteen, thirty, twenty-four, and twenty-five; thence south eighty chains; thence east forty chains; thence south sixty chains to the line between townships nine and ten south, range eleven east, at the quarter section corner between sections thirty-one, and six; thence south forty chains; thence east twenty chains; thence south twenty chains; thence east thirty chains; thence south twenty chains; thence east ten chains; thence south twenty chains; thence east ten chains; thence south twenty chains; thence east ten chains; thence south forty chains; thence east forty chains to the corner of sections eight, nine, sixteen, and seventeen, in township ten south, range eleven east; thence south twenty chains; thence east thirty chains; thence south twenty chains; thence east ten chains; thence south twenty chains; thence east twenty chains to the corner of sections fifteen, sixteen, twenty-one,

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and twenty-two, in township ten south, range eleven east; thence south ten chains; thence east twenty chains; thence south ten chains; thence east ninety chains; thence south sixty chains; thence east ten chains; thence south thirty chains; thence east forty chains; thence north ten chains; thence east twenty chains; thence south twenty chains; thence east sixty chains to the quarter-section corner between sections twenty-five and thirty, in townships ten south, ranges eleven and twelve east; thence south forty chains; thence east forty-two and fifteen one-hundredths chains; thence north twenty chains; thence east forty chains; thence south ten chains; thence east forty chains; thence south ten chains; thence east forty chains to the corner of sections twenty-eight, twenty-nine, thirty-two, and thirty-three, in township ten south, range twelve east; thence south forty chains; thence east twenty chains; thence south forty chains to the line between townships ten and eleven south, range twelve east, twenty chains east of the corner to sections thirty-two, thirty-three, four, and five; thence south forty chains; thence east forty chains; thence south twenty chains; thence east twenty chains; thence south twenty chains to the corner of sections three, four, nine, and ten, in township eleven south, range twelve east; thence south sixty chains; thence east twenty chains; thence south ten chains; thence east twenty chains; thence south ten chains; thence east twenty chains; thence north twenty chains; thence east eighty chains; thence south twenty chains; thence east twenty chains to the corner of sections eleven, twelve, thirteen, and fourteen, in township eleven south, range twelve east; thence south forty chains; thence east eighty chains to the quarter section corner between sections thirteen and eighteen, in township eleven south, ranges twelve and thirteen east; thence east forty and twenty-three one-hundredths chains; thence south twenty chains; thence east one hundred and twenty chains; thence south twenty chains to the corner of sections sixteen, seventeen, twenty, and twenty-one, in township eleven south, range thirteen east; thence east twenty chains; thence south forty chains; thence west twenty chains; thence south one hundred chains; thence east one hundred and forty chains; thence south twenty chains; thence east twenty chains to the corner of sections twenty-six, twenty-seven, thirty-four, and thirty-five, in township eleven south, range thirteen east; thence south twenty chains; thence east forty chains; thence south twenty chains; thence east forty chains; thence south ten chains; thence east sixty chains; thence south thirty chains to the line between townships eleven and twelve south, range thirteen east, sixty chains east of the corner of sections thirty-five, thirty-six, one, and two; thence south sixty-six and ninety-six one-hundredths chains; thence east twenty chains to the line between townships twelve south, ranges thirteen and fourteen east, ten chains north of the corner of sections one, twelve, six, and seven; thence north ten chains; thence east forty chains; thence south forty chains; thence east twenty chains;

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thence south twenty chains; thence east twenty chains; thence south twenty chains; thence east thirty chains; thence south twenty chain[s]; thence west twenty and seventy-two one-hundredths chains; thence south fourteen and three-fourths degrees west twenty-five and fifteen one-hundredths chains; thence south forty-eight and one-fourth degrees east thirty-eight chains; thence south forty-six and one-fourth degrees east forty-four chains; thence south seventy-five and three-fourths degrees west twenty-five chains; thence south nineteen and one-half degrees east fifty-three chains; thence south forty and one-fourth degrees east twenty-nine and eighty-three one-hundredths chains; thence south ninety links to the corner of sections twenty, twenty-one, twenty-eight, and twenty-nine, in township twelve south, range fourteen east; thence south ninety links; thence south fifty-nine and one-half degrees west twenty-two chains; thence south fifty and three-fourths degrees east twenty-three and eighty-seven one-hundredths chains; thence south thirty-nine and one-half degrees east eleven chains; thence south twenty-one degrees, west fourteen chains; thence south sixty-five and three-fourths degrees east seventeen chains; thence south twenty and three-fourths degrees east twenty-five and ninety-two one-hundredths chains; thence south twenty-two and one-fourth degrees west eighteen chains; thence south fifteen and three-fourths degrees east forty-four chains; thence south eighty-four and three-fourths degrees east forty-eight chains; thence south eighty-five and one-half degrees east thirty-one chains; thence south thirty-nine degrees east twelve chains; thence south eighty-two and three-fourths degrees east forty chains to the third standard south between townships twelve and thirteen south, range fourteen east, seventy-eight and forty-five one-hundredths chains east of the corner to sections thirty-three and thirty-four; thence south five and one-fourth degrees east three chains; thence south one and three-fourths degrees east three and fifty one-hundredths chains; thence south eleven degrees east four chains; thence south three and one-half degrees east two and fifty one-hundredths chains; thence south fifty-three degrees east eight chains; thence south seventy-three degrees east ten and fifty one-hundredths chains; thence south seventy-three and one-fourth degrees east eight and fifty one-hundredths chains; thence south twenty-three and three-fourths degrees east five and fifty one-hundredths chains; thence south fifty-seven degrees east five chains; thence south fifty-five and one-fourth degrees east seven and fifty one-hundredths chains; thence south forty-five degrees east three chains; thence south sixty-six and one-half degrees east four and fifty one-hundredths chains; thence south seven and three-fourths degrees east six chains; thence south thirteen degrees east five and fifty one-hundredths chains; thence south twenty-seven degrees east six and fifty one-hundredths chains; thence south nineteen degrees east eleven chains; thence south seventy-three degrees east three chains; thence south eighty and three-fourths degrees east two chains; thence south fifty-five degrees east three and

fifty one-hundredths chains; thence south seventeen and one-fourth degrees east six and fifty one-hundredths chains; thence south thirty and one-fourth degrees east two chains; thence north fourteen and three-fourths degrees east six and fifty-six one-hundredths chains; thence south seventeen and three-fourths degrees east four and twenty-seven one-hundredths chains; thence north eighty and one-fourth degrees east five and fifty one-hundredths chains; thence south fifty-eight and one-fourth degrees east five and fifty one-hundredths chains; thence south fifty-nine and one-fourth degrees east four and fifty one-hundredths chains; thence north seventy-nine degrees east eleven chains; thence north seventy-eight degrees east five and fifty one-hundredths chains; thence south fifty-nine degrees east eleven and fifty one-hundredths chains; thence south eighty-six degrees east six and sixty-nine one-hundredths chains; thence south thirty-five and one-half degrees east eight and fifty one-hundredths chains; thence south fifty-nine and one-fourth degrees east nine and fifty one-hundredths chains; thence south seventy-eight degrees east fourteen chains; thence south thirty-one and one-fourth degrees east nine and fifty one-hundredths chains; thence south thirty-five degrees east eight chains; thence south twenty degrees east seven and fifty one-hundredths chains; thence south thirty-four degrees east four and thirty-five one-hundredths chains to the line between townships thirteen south, ranges fourteen and fifteen east, at the quarter section corner between sections twelve and seven; thence south seventy-three and one-fourth degrees east twenty-eight and thirty-one one-hundredths chains; thence south twenty-two and one-fourth degrees east four and fifty one-hundredths chains; thence south thirty-five degrees east fifteen and twenty-five one-hundredths chains; thence south forty-one degrees east eleven chains; thence south eight and three-fourths degrees east seven chains; thence south fifty-four degrees east twenty-two chains; thence south twenty-eight and one-half degrees west thirteen and fifty one-hundredths chains; thence south twenty-one degrees west seventeen and fifty one-hundredths chains; thence south ten degrees west twelve chains; thence south eighteen degrees west eleven and fifty one-hundredths chains; thence south twenty-three degrees east eight and fifty one-hundredths chains; thence south thirty-six and one-fourth degrees east ten and fifty-three one-hundredths chains; thence south thirty-four and three-fourths degrees east twelve and forty-four one-hundredths chains; thence south thirteen degrees west seventeen and fifty one-hundredths chains; thence south fifteen and one-fourth degrees east eleven chains; thence south seven and one-half degrees east thirteen chains; thence south forty-one and one-half degrees east fifteen chains; thence south twenty-two and one-fourth degrees west eleven and fifty one-hundredths chains; thence south thirty-five and one-fourth degrees east four and fifty one-hundredths chains; thence south seventy-six degrees east nine and fifteen one-hundredths chains; thence south seventy-five degrees east three and ninety-four one-hundredths chains; thence

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north eighty degrees east ten and fifty one-hundredths chains; thence south eighty-two degrees east sixteen chains; thence south twelve and three-fourths degrees east thirteen and nineteen one-hundredths chains; thence south thirty-seven degrees east eleven and fifty one-hundredths chains; thence south three-fourths of a degree west seven chains; thence north eighty-three and one-fourth degrees west ten and fifty one-hundredths chains; thence south seventeen and three-fourths degrees west eight chains; thence south eleven degrees east eight chains; thence south seventy-two degrees east nine and fifty one hundredths chains; thence north eighty-nine and three-fourths degrees east twelve and fifty one-hundredths chains; thence south two degrees east seven chains; thence south thirty-six and one-half degrees east four and fifty one-hundredths chains; thence south forty-eight and one-fourth degrees east ten chains; thence south eighty-one and one-fourth degrees east seven chains; thence south thirty-six degrees east nine and fifty one-hundredths chains; thence south thirty-five and one-half degrees east nine and fifty one-hundredths chains; thence south twenty-three and one-half degrees west ten and sixty-six one-hundredths chains; thence south fifteen and one-fourth degrees west eight and fifty one-hundredths chains; thence south sixty-four degrees east nine and thirty one-hundredths chains; thence south thirty-two and three-fourths degrees east five chains; thence south twenty and one-fourth degrees west seven and seventy-eight one-hundredths chains; thence south twenty-nine and one-fourth degrees west ten chains; thence south twenty-two degrees west eleven and fifty one-hundredths chains; thence south twenty-three and one-half degrees east four and fifty one-hundredths chains; thence north eighty-six and one-fourth degrees east seven and forty-two one-hundredths chains; thence north eighty-two and three-fourths degrees east thirteen chains; thence south sixteen degrees east eleven and fifty one-hundredths chains; thence south fourteen and one-half degrees west thirteen and fifty-six one-hundredths chains to the line between townships thirteen and fourteen south, range fifteen east, twelve and sixty-two one-hundredths chains east of the corner of sections thirty-two, thirty-three, four, and five; thence south fifteen and three-fourths degrees west five chains; thence south twenty-five degrees east eight chains; thence south sixteen and three-fourths degrees west nine and fifty one-hundredths chains; thence south fifty-one and one-fourth degrees west nine chains; thence south thirty degrees west nine chains; thence south five degrees west four and fifty one-hundredths chains; thence south twenty-five degrees east two and fifty one-hundredths chains; thence south thirty-six degrees east eleven chains; thence south sixty-six and one-fourth degrees east twenty-four and fifty one-hundredths chains; thence south six and three-fourths degrees east thirteen chains; thence south eight and one-half degrees east ten and four one-hundredths chains; thence south nine chains; thence south forty and one-fourth degrees west five chains; thence south eight and one-fourth degrees west seven and fifty one-

hundredths chains; thence north eighty-one degrees west nine chains; thence south eight and three-fourths degrees west nine chains; thence south forty-five and one-half degrees east eight chains; thence south eighty-three and one-fourth degrees east twenty-four chains; thence north sixty-six degrees east six and fifty one-hundredths chains; thence south one-half of a degree west twenty-five chains; thence south fifty-eight degrees east seven and fifty one-hundredths chains; thence south forty-eight and one-fourth degrees east twenty-six and thirty one-hundredths chains to the corner of sections nine, ten, fifteen, and sixteen, in township fourteen south, range fifteen east; thence south twenty-three and one-fourth degrees west twenty-one and thirty one-hundredths chains; thence south twenty degrees east fifteen and fifty one-hundredths chains; thence south forty degrees east four and eighty-five one-hundredths chains; thence south sixty-two and one-fourth degrees east seventeen chains; thence south fifty-seven degrees east twenty-seven chains; thence south seventy-four and one-half degrees east twenty chains; thence south four and one-half degrees east fourteen chains; thence south two degrees east four and fifty one-hundredths chains; thence south eighteen and three-fourths degrees east thirty-one chains; thence south forty and three-fourths degrees east eighteen chains; thence north fifty-three degrees east eight and fifty-five one-hundredths chains; thence south forty-five degrees east twenty-seven and fifty one-hundredths chains; thence south sixty-eight and one-half degrees east twenty-six chains; thence south seventy-six degrees east sixteen chains; thence south eighty-nine degrees east eleven and fifty one-hundredths chains; thence north thirty degrees east five and twenty one-hundredths chains; thence south seventy-one degrees east fifteen chains; thence south sixty-five degrees east nine and seventy-five one-hundredths chains; thence south thirty degrees east twenty-five and ninety one-hundredths chains; thence south forty-five degrees east twenty chains; thence south thirty degrees east twenty-eight chains; thence south forty degrees east twenty-five chains to the corner of sections twenty-five, thirty-six, thirty, and thirty-one, on the line between townships fourteen south, ranges fifteen and sixteen east; thence south one hundred and sixty chains to the corner of sections one, twelve, six, and seven, on the line between townships fifteen south, ranges fifteen and sixteen east; thence west eighty and twenty one-hundredths chains; thence south twenty-two and three-fourths degrees west thirty-eight and seventy one-hundredths chains; thence south ten degrees west thirty chains; thence south thirty-nine and one-half degrees east nineteen and fourteen one-hundredths chains; thence south twenty-one and three-fourths degrees east twenty-one and fifty-four one-hundredths chains; thence south fifty-seven degrees east twenty chains; thence south fifteen and one-half degrees east fifteen and fifty one-hundredths chains; thence south thirteen and one-half degrees east twelve chains; thence south seven chains; thence north eighty-five and one-half degrees east eight chains; thence north seventy-three and

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one-fourth degrees east twelve and fifty one-hundredths chains; thence south fifty-four degrees east eleven and fifty one-hundredths chains; thence south forty-seven and one-fourth degrees east nineteen and twelve one-hundredths chains; thence south fifty-two and one-fourth degrees east sixteen and forty-five one-hundredths chains to the line between townships fifteen south, ranges fifteen and sixteen east, seventy chains north of the corner of sections twenty-four, twenty-five, nineteen, and thirty; thence south forty-seven degrees east thirteen chains; thence south seventy-nine degrees east fourteen chains; thence east nine chains; thence south seventy-two degrees east seventeen chains; thence south fifty degrees east eighteen chains; thence south forty-three degrees east sixteen chains; thence south fifty-nine and three-fourths degrees east ten and forty-eight one-hundredths chains; thence south forty degrees east forty-three and forty-six one-hundredths chains; thence south thirty-two degrees east seventeen chains; thence south forty-three degrees east twenty-two chains; thence south twenty-two degrees east nineteen chains; thence south forty-one degrees east fourteen chains; then south seventy-seven degrees east twelve chains; thence south fifty-nine and one-fourth degrees east seven and forty-five one-hundredths chains; thence south fifty-six degrees east eleven chains; thence south twenty-four and one-half degrees east fourteen and twenty-four one-hundredths chains; thence south thirty-eight degrees east twenty-two chains; thence south sixty-two degrees east nineteen chains; thence south seventy-seven degrees east twelve chains; thence north eighty-three degrees east seventeen chains; thence south seventy-seven and one-half degrees east seven and thirty-four one-hundredths chains; thence south sixty-three degrees east twelve chains; thence south sixty degrees east fourteen chains; thence south eighty-seven degrees east twelve chains; thence south seventy-seven degrees east seventeen chains; thence south fifty-five degrees east thirteen chains; thence south thirty-eight degrees east eighteen chains to the line between townships fifteen and sixteen south, range sixteen east, at the corner of sections thirty-four, thirty-five, two, and three; thence south seventy degrees east seven and fifty one-hundredths chains; thence south fifty-three degrees east twenty-two chains; thence south seventy degrees east fifteen chains; thence south sixty-three degrees east fourteen chains; thence north seventy degrees east eleven chains; thence south fifty-seven degrees east twenty-three chains; thence south sixty-nine and one-fourth degrees east twenty-three chains; thence south thirty-three degrees east nineteen chains; thence south forty-nine degrees east nineteen and fifty one-hundredths chains; thence south eighty-one degrees east eighteen and fifty one-hundredths chains; thence south sixty-six and one-fourth degrees east nine and sixty-five one-hundredths chains; thence south eighty-four and one-fourth degrees east four and thirty one-hundredths chains; thence south four chains; thence south fifty-one degrees east four and forty-five one-hundredths chains to the line between



townships sixteen south, ranges sixteen and seventeen east, sixty-nine chains north of the corner of sections twelve, thirteen, seven, and eighteen; thence south seventy-six degrees east thirteen and fifty one-hundredths chains: thence south fifty-one degrees east fourteen chains; thence south seventy-eight degrees east thirteen chains; thence south forty-six degrees east thirteen chains; thence south forty degrees east fourteen chains; thence south thirty-five degrees east twenty chains; thence south seventy-eight degrees east fourteen and forty one-hundredths chains; thence south twenty-seven and one-half degrees east eleven and fifty-five one-hundredths chains; thence south fifty-eight degrees east nine chains; thence south thirty-nine and three-fourths degrees east twelve and fifty one-hundredths chains; thence south forty-three degrees east eighteen chains; thence south sixty-one degrees east fifteen chains; thence south fifty-nine degrees east twelve chains; thence south sixty-five degrees east twenty-three chains; thence south eighty-three degrees east nine and fifty one-hundredths chains; thence south eighty-four degrees east twenty-two and twenty-eight one-hundredths chains; thence south eighty-five degrees east ten chains; thence south seventy degrees east sixteen chains; thence south forty degrees east sixteen chains; thence south fourteen degrees east fourteen chains; thence south five degrees west ten chains; thence south fifteen and one-fourth degrees west twenty and twenty-two one-hundredths chains; thence south thirteen chains; thence south twenty degrees east twelve chains; thence south fifty-two degrees east eleven chains; thence south fifty-four degrees east sixteen chains; thence south sixty-one degrees east fourteen and twenty one-hundredths chains; thence south fifty-one degrees east eight chains; thence south thirty degrees east nine chains; thence south thirty-eight and one-fourth degrees east fifteen and sixteen one-hundredths chains; thence south twenty-three degrees east ten chains; thence south twenty-seven degrees east eleven chains; thence south thirty-eight degrees east seventeen chains; thence south forty-eight degrees east twenty chains; thence south fifty-eight degrees east sixteen chains; thence south fifty-seven and one-fourth degrees east nine and ten one-hundredths chains; thence south forty-six degrees east thirteen chains; thence south one and fifty one-hundredths chains; thence south twenty-seven degrees east eighteen and thirty one-hundredths chains; thence south twenty-four degrees east twenty chains; thence south forty degrees east sixteen chains; thence south fifty-one degrees east twenty chains; thence south sixty degrees east twenty-four chains; thence south eighty degrees east eleven chains; thence south sixty-four degrees east eleven and twenty one-hundredths chains to the fourth standard south between townships sixteen and seventeen south, range seventeen east, twenty and eighty-five one-hundredths chains east of the corner of sections thirty-five and thirty-six; thence east eleven and fifty-four one-hundredths chains; thence south eight degrees east twenty-four and fifty one-hundredths

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chains; thence south sixty-six and three-fourths degrees east twenty-four and thirty-five one-hundredths chains to the line between townships seventeen south, ranges seventeen and eighteen east, forty-five and sixty-two one-hundredths chains north of the corner of sections one, twelve, six, and seven; thence south thirty-six degrees east fifty-six and thirty one-hundredths chains; thence south eleven and three-fourths degrees east seven and fifteen one-hundredths chains; thence south thirty-nine and one-half degrees east thirty-seven and eight one-hundredths chains; thence north eighty-three and one-half degrees east eight and sixty-eight one-hundredths chains; thence south thirty-seven and one-half degrees east thirteen and sixty-eight one-hundredths chains; thence north eighty-four and three-fourths degrees east three and ninety-seven one-hundredths chains; thence south thirty-four degrees east forty-two and eighty-four one-hundredths chains to the line between sections eight and seventeen in township seventeen south, range eighteen east, twenty-four chains east of the corner of sections seven, eight, seventeen, and eighteen; thence south twelve degrees east twenty-one and twenty-five one-hundredths chains to a point one hundred and fifty feet north eighteen degrees and thirty-one minutes east from station eight hundred and fifty-three plus fifty-four on the survey of the center line of the proposed canal—the survey here referred to being the survey made by William Hammond Hall in eighteen hundred and seventy-six; thence on a line one hundred and fifty feet to the left and northeasterly of and parallel to the said center line, which center line is ranged as follows: Southeasterly on a one-degree curve twenty-two hundred feet to station eight hundred and thirty-one plus fifty-four; thence south forty-nine degrees twenty-nine minutes east twenty-nine hundred and forty-one feet to station eight hundred and two plus thirteen; thence on a thirty-minute curve to the right twenty-three hundred and ninety-three feet to station seven hundred and seventy-eight plus twenty; thence south thirty-seven degrees thirty-one minutes east twelve thousand one hundred and forty-seven feet to station six hundred and fifty-six plus seventy-three; thence on a one-degree curve to the left twenty-eight hundred and forty-three feet to station six hundred and twenty-eight plus thirty; thence south sixty-five degrees fifty-seven minutes east seven thousand and thirty feet to station five hundred and fifty-eight; thence on a thirty-minute curve to the right (at seventeen hundred feet intersecting the line between townships seventeen and eighteen south, range eighteen east, three thousand eight hundred and fifty feet east of the corner of sections thirty-five, thirty-six, one, and two, and at thirty-five hundred feet intersecting the line between townships eighteen south, ranges eighteen and nineteen east, forty-one hundred feet north of the corner of sections one, twelve, six, and seven) fifty-seven hundred and forty feet to station five hundred plus sixty; thence south thirty-seven degrees fifteen minutes east ninety-nine hundred and fourteen feet to station four hundred and one plus forty-six; thence on a one-degree

curve to the left twenty-two hundred and seventy-five feet to station three hundred and seventy-eight plus seventy-one; thence south sixty degrees east eighteen hundred and twenty-two feet to station three hundred and sixty plus forty-nine; thence on a one-degree curve to the right twenty-three hundred and seventy-three feet to station three hundred and thirty-six plus seventy-six; thence south thirty-six degrees sixteen minutes east fifty-nine hundred and twenty-nine feet to station two hundred and seventy-seven plus forty-seven; thence on a thirty-minute curve to the right five thousand two hundred and ten feet to station two hundred and twenty-five plus thirty-seven; thence south ten degrees and thirteen minutes east six thousand nine hundred and eleven feet to station one hundred and fifty-six plus twenty-six; thence on a thirty-minute curve to the left (at four hundred and twenty-six feet intersecting the line between townships eighteen and nineteen south, range nineteen east, one thousand nine hundred and sixty feet west of the corner of sections thirty-four, thirty-five, two, and three) five thousand three hundred and six feet to station one hundred and three plus twenty; thence south thirty-six degrees and forty-five minutes east ten thousand three hundred and twenty feet to a point one hundred and fifty feet north fifty-three degrees and fifteen minutes east from station zero of the survey of the proposed canal; thence south fifty-three degrees and fifteen minutes west through said station zero two hundred and seventy feet to a point one hundred and twenty feet south fifty-three degrees and fifteen minutes west from said station zero; thence on a line one hundred and twenty feet to the left of and parallel to the said center line of the proposed canal, which center line is ranged as follows: North thirty-six degrees and forty-five minutes west ten thousand three hundred and twenty feet to station one hundred and three plus twenty; thence on a thirty-minute curve to the right (at four thousand eight hundred and eighty feet intersecting the line between townships eighteen and nineteen south, range nineteen east, one thousand nine hundred and sixty feet west of the corner of sections thirty-four, thirty-five, two, and three) five thousand three hundred and six feet to station one hundred and fifty-six plus twenty-six; thence north ten degrees and thirteen minutes west six thousand nine hundred and eleven feet to station two hundred and twenty-five plus thirty-seven; thence on a thirty-minute curve to the left five thousand two hundred and ten feet to station two hundred and seventy-seven plus forty-seven; thence north thirty-six degrees and sixteen minutes west five thousand nine hundred and twenty-nine feet to station three hundred and thirty-six plus seventy-six; thence on a one-degree curve to the left two thousand three hundred and seventy-three feet to station three hundred and sixty plus forty-nine; thence north sixty degrees west one thousand eight hundred and twenty-two feet to station three hundred and seventy-eight plus seventy-one;

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thence on a one-degree curve to the right two thousand two hundred and seventy-five feet to station four hundred and one plus forty-six; thence north thirty-seven degrees and fifteen minutes west nine thousand nine hundred and fourteen feet to station five hundred plus sixty; thence on a thirty-minute curve to the left (at two thousand two hundred and forty feet intersecting the line between townships eighteen south, ranges eighteen and nineteen east, four thousand one hundred feet north of the corner of sections one, twelve, six, and seven, and at four thousand and forty feet intersecting the line between townships seventeen and eighteen south, range eighteen east, three thousand eight hundred and fifty feet east of the corner of sections thirty-five, thirty-six, one, and two) five thousand seven hundred and forty feet to station five hundred and fifty-eight; thence north sixty-five degrees and fifty-seven minutes west seven thousand and thirty feet to station six hundred and twenty-eight plus thirty; thence on a one-degree curve to the right two thousand eight hundred and forty-three feet to station six hundred and fifty-six plus seventy-three; thence north thirty-seven degrees and thirty-one minutes west twelve thousand one hundred and forty-seven feet to station seven hundred and seventy-eight plus twenty; thence on a thirty-minute curve to the left two thousand three hundred and ninety-three feet to station eight hundred and two plus thirteen; thence north forty-nine degrees and twenty-nine minutes west two thousand nine hundred and forty-one feet to station eight hundred and thirty-one plus fifty-four; thence on a one-degree curve to the left two thousand eight hundred and fifty-eight feet to station eight hundred and sixty plus twelve; thence north seventy-eight degrees and four minutes west two thousand and thirty-five feet to station eight hundred and eighty plus forty-seven; thence on a one-degree curve to the right two thousand four hundred and thirty-three feet to station nine hundred and four plus eighty; thence north fifty-three degrees and forty-four minutes west two thousand five hundred and forty-three feet to station nine hundred and thirty plus twenty-three; thence on a thirty-minute curve to the left (at six hundred and seventy-seven feet intersecting the line between townships seventeen south, ranges seventeen and eighteen east, three thousand three hundred feet south of the corner of sections one, twelve, six, and seven) one thousand eight hundred and fifty feet to station nine hundred and forty-eight plus seventy-three; thence north sixty-two degrees and fifty-nine minutes west one thousand six hundred and seventy-seven feet to station nine hundred and sixty-five plus fifty; thence on a thirty-minute curve to the left nine hundred feet to station nine hundred and seventy-four plus fifty; thence north sixty-seven degrees and twenty-nine minutes west (at seventeen thousand nine hundred and fifty feet intersecting the fourth standard south between townships sixteen and seventeen south, range seventeen east, four thousand seven hundred and thirty-two feet west of the corner of sections thirty-three and thirty-four) nineteen thousand six hundred and ninety

feet to station one thousand one hundred and seventy-one plus forty; thence on a thirty-minute curve to the left two thousand one hundred and three feet to station one thousand one hundred and ninety-two plus forty-three; thence north seventy-eight degrees west four thousand seven hundred and four feet to station one thousand two hundred and thirty-nine plus forty-seven; thence on a one-degree curve to the right two thousand one hundred and fifty feet to station one thousand two hundred and sixty plus ninety-seven; thence north fifty-six degrees and thirty minutes west (at one thousand one hundred and three feet intersecting the line between townships sixteen south, ranges sixteen and seventeen east, one thousand six hundred feet south of the corner to sections twenty-five, thirty-six, thirty, and thirty-one) nine thousand two hundred and three feet to station one thousand three hundred and fifty-three; thence on a thirty-minute curve to the right four thousand three hundred and fifty feet to station one thousand three hundred and ninety-six plus fifty; thence north thirty-four degrees and forty-five minutes west eight thousand nine hundred and fifty feet to station one thousand four hundred and eighty-six; thence on a thirty-minute curve to the left two thousand eight hundred feet to station one thousand five hundred and fourteen; thence north forty-eight degrees and forty-five minutes west two thousand four hundred feet to station one thousand five hundred and thirty-eight; thence on a thirty-minute curve to the left two thousand three hundred and fifty feet to station one thousand five hundred and sixty-one plus fifty; thence north sixty-one degrees and four minutes west one thousand nine hundred and fifty feet to station one thousand six hundred and eighty-one; thence on a thirty-minute curve to the right (at one hundred feet intersecting the line between townships sixteen south, ranges fifteen and sixteen east, two thousand four hundred and seventy feet south of the corner of townships fifteen and sixteen south, ranges fifteen and sixteen east) twelve thousand four hundred and fifty feet to station one thousand seven hundred and five plus fifty; thence north forty-eight degrees and forty-nine minutes west (at one thousand seven hundred intersecting the line between townships fifteen and sixteen south, range fifteen east, three thousand two hundred feet west of the corner of townships fifteen and sixteen south, ranges fifteen and sixteen east) two thousand three hundred feet to station one thousand seven hundred and twenty-eight plus fifty; thence on a one-degree curve to the left two thousand one hundred and twenty-five feet to station one thousand seven hundred and forty-nine plus seventy-five; thence north seventy degrees and four minutes west four thousand seven hundred and twenty-five feet to station one thousand seven hundred and ninety-seven; thence on a thirty-minute curve to the left one thousand eight hundred feet to station one thousand eight hundred and fifteen; thence north seventy-nine degrees and four minutes west seven thousand one hundred and fifty-six to station one thousand eight hundred and eighty-six plus fifty-six; thence on a one-degree curve to the right one thou-

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sand nine hundred and thirteen feet to station one thousand nine hundred and five plus sixty-nine; thence north fifty-nine degrees and fifty-six minutes west three thousand two hundred and thirty-one feet to station one thousand nine hundred and thirty-eight; thence on a one-degree curve to the right two thousand five hundred and seventy-five feet to station one thousand nine hundred and sixty-three plus seventy-five; thence north thirty-four degrees and eleven minutes west four thousand four hundred and twenty-nine feet to station two thousand and eight plus four; thence on a one-degree curve to the right three thousand six hundred and eighty-three feet to station two thousand and forty-four plus eighty-seven; thence north two degrees and thirty-nine minutes east two thousand one hundred and fifty-three feet to station two thousand and sixty-six plus forty; thence on a one-degree curve to the left one thousand nine hundred and twenty-five feet to station two thousand and eighty-five plus sixty-five; thence north sixteen degrees thirty-six minutes west six thousand seven hundred and eighty-five feet to station two thousand one hundred and fifty-three plus fifty; thence on a one-degree curve to the right one thousand eight hundred and seventy-five feet to station two thousand one hundred and seventy-two plus twenty-five; thence north two degrees and nine minutes east (at three thousand three hundred and seventy-five intersecting the line between townships fourteen and fifteen south, range fifteen east, four thousand eight hundred and fifty feet west of the corner of sections thirty-one, thirty-two, five, and six) five thousand one hundred and seventy-five feet to station two thousand two hundred and twenty-four; thence on a thirty-minute curve to the left eight hundred feet to station two thousand two hundred and thirty-two; thence north one degree and fifty-one minutes west four thousand nine hundred and seventy-five feet to station two thousand two hundred and eighty-one plus seventy-five; thence on a thirty-minute curve to the left (at one thousand seven hundred and twenty-five feet intersecting the line between townships fourteen south, ranges fourteen and fifteen east, one thousand two hundred and sixty feet south of the corner of sections twenty-four, twenty-five, nineteen, and thirty) two thousand three hundred and fifty feet to station two thousand three hundred and five plus twenty-five; thence north thirteen degrees and thirty-six minutes west thirteen thousand two hundred and eighty-nine feet to station two thousand four hundred and thirty-eight plus fourteen; thence on a thirty-minute curve to the left one thousand two hundred feet to station two thousand four hundred and fifty plus fourteen; thence north nineteen degrees and thirty-six minutes west four thousand nine hundred and forty-one feet to station two thousand four hundred and ninety-nine plus fifty-five; thence on a thirty-minute curve to the left two thousand nine hundred and fifty feet to station two thousand five hundred and twenty-nine plus five; thence north thirty-four degrees and twenty-one minutes west (at four hundred and ninety-five intersecting the line between town-

ships thirteen and fourteen south, range fourteen east, one thousand eight hundred and fifty feet west of the corner of sections thirty-five, thirty-six, one, and two) three thousand three hundred and fifteen feet to station two thousand five hundred and sixty-two plus twenty; thence on a one-degree curve to the left one thousand four hundred feet to station two thousand five hundred and seventy-six plus twenty; thence north forty-eight degrees and twenty-one minutes west four thousand nine hundred and thirty feet to station two thousand six hundred and twenty-five plus fifty; thence on a one-degree curve to the right two thousand three hundred feet to station two thousand six hundred and forty-eight plus fifty; thence north twenty-five degrees and twenty-one minutes west one thousand eight hundred and seventy-five feet to station two thousand six hundred and sixty-seven plus twenty-five; thence on a one-degree curve to the left one thousand six hundred and twenty-five feet to station two thousand six hundred and eighty-one plus fifty; thence north thirty-nine degrees and thirty-six minutes west three thousand three hundred and eighty-five feet to station two thousand seven hundred and fifteen plus thirty-five; thence on a one-degree and thirty-minute curve to the left one thousand seven hundred feet to station two thousand seven hundred and thirty-two plus thirty-five; thence north sixty-five degrees and six minutes west one thousand eight hundred and fifteen feet to station two thousand seven hundred and fifty plus fifty; thence on a one-degree and thirty-minute curve to the right one thousand four hundred and thirty-three feet to station two thousand seven hundred and sixty-four plus eighty-three; thence north forty-three degrees and thirty-six minutes west two thousand three hundred and forty-two feet to station two thousand seven hundred and eighty-eight plus twenty-five; thence on a one-degree curve to the left eight hundred and seventy-five feet to station two thousand seven hundred and ninety-seven; thence north fifty-two degrees and twenty-one minutes west two thousand two hundred and twenty-five feet to station two thousand eight hundred and nineteen plus twenty-five; thence on a one-degree and thirty-minute curve to the right nine hundred and sixty-seven feet to station two thousand eight hundred and twenty-eight plus ninety-two; thence north thirty-seven degrees and fifty-one minutes west one thousand four hundred and fifty-eight feet to station two thousand eight hundred and forty-three plus fifty; thence on a one-degree and thirty-minute curve to the left one thousand eight hundred and sixty-seven feet to station two thousand eight hundred and sixty-two plus seventeen; thence north sixty-five degrees and fifty-one minutes west (at one thousand seven hundred and forty-three feet intersecting the line between townships thirteen south, ranges thirteen and fourteen east, two thousand six hundred and forty feet south of the corner of sections one, twelve, six, and seven) four thousand five hundred and sixty-five feet to station two thousand nine hundred and seven plus eighty-two; thence on a one-degree and thirty-minute curve to the right one thousand seven hundred and thirty-eight feet to station two

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thousand nine hundred and twenty-five plus twenty; thence north thirty-nine degrees and forty-seven minutes west two thousand seven hundred and fifty-two feet to station two thousand nine hundred and fifty-two plus seventy-two; thence on a one-degree curve to the left one thousand and fifty feet to station two thousand nine hundred and sixty-three plus twenty-two; thence north fifty degrees and seventeen minutes west two thousand two hundred and ninety-eight feet to station two thousand nine hundred and eighty-six plus twenty; thence on a one-degree curve to the right three hundred and fifty feet to station two thousand nine hundred and eighty-nine plus seventy; thence north forty-six degrees and forty-seven minutes west (at one thousand nine hundred and twenty-four feet intersecting the third standard south between townships twelve and thirteen south, range thirteen east, four thousand seven hundred and seventy feet west of the corner of sections one and two) two thousand five hundred and twenty-three feet to station three thousand and fourteen plus ninety-three; thence on a one-degree and thirty-minute curve to the right eight hundred feet to station three thousand and twenty-two plus ninety-three; thence north thirty-four degrees and forty-seven minutes west one thousand two hundred and twenty feet to station three thousand and thirty-five plus thirteen; thence on a two-degree curve to the left three thousand one hundred and twenty-five feet to station three thousand and sixty-six plus thirty-eight; thence south eighty-two degrees and forty-three minutes west three thousand three hundred and seven feet to station three thousand and ninety-nine plus forty-five; thence on a one-degree curve to the right one thousand nine hundred and seventy-five feet to station three thousand one hundred and nineteen plus twenty; thence north seventy-seven degrees and thirty-two minutes west two thousand nine hundred feet to station three thousand one hundred and forty-eight plus twenty; thence on a thirty-minute curve to the left one thousand four hundred and fifty feet to station three thousand one hundred and sixty-two plus seventy; thence north eighty-four degrees and forty-seven minutes west four thousand three hundred and ten feet to station three thousand two hundred and five plus eighty; thence on a one-degree and thirty-minute curve to the right one thousand seven hundred feet to station three thousand two hundred and twenty-two plus eighty; thence north fifty-nine degrees and seventeen minutes west (at one thousand two hundred and seventy feet intersects the line between townships twelve south, ranges twelve and thirteen east, fifty feet south of the corner of sections twenty-five, thirty-six, thirty, and thirty-one) one thousand six hundred and twenty feet to station three thousand two hundred and thirty-nine; thence on a thirty-minute curve to the left one thousand two hundred and fifty feet to station three thousand two hundred and fifty-one plus fifty; thence north sixty-five degrees and thirty-two minutes west one thousand two hundred and fifty feet to station three thousand two hundred and sixty-four; thence on a one-degree and thirty-minute curve



to the left one thousand seven hundred and fifty feet to station three thousand two hundred and eighty-one plus fifty; thence south eighty-eight degrees and thirteen minutes west six hundred and seventy-seven feet to station three thousand two hundred and eighty-eight plus twenty-seven; thence on a one-degree and thirty-minute curve to the right one thousand eight hundred and ninety-three feet to station three thousand three hundred and seven plus twenty; thence north sixty-three degrees and twenty-three minutes west one thousand eight hundred and fifteen feet to station three thousand three hundred and twenty-five plus thirty-five; thence on a one-degree and thirty-minute curve to the left one thousand seven hundred and eighty-three feet to station three thousand three hundred and forty-three plus eighteen; thence south eighty-nine degrees and fifty-two minutes west nine hundred and sixty-two feet to station three thousand three hundred and fifty-two plus eighty; thence on a one-degree and thirty-minute curve to the right one thousand eight hundred and seventeen feet to station three thousand three hundred and seventy plus ninety-seven; thence north sixty-two degrees and fifty-three minutes west seven hundred and ten feet to station three thousand three hundred and seventy-eight plus seven; thence on a one-degree curve to the left five hundred feet to station three thousand three hundred and eighty-three plus seven; thence north sixty-seven degrees and fifty-three minutes west four thousand two hundred and eighty-eight feet to station three thousand four hundred and twenty-five plus ninety-five; thence on a one-degree and thirty-minute curve to the right three thousand and thirty-three feet to station three thousand four hundred and fifty-six plus twenty-eight; thence north twenty-two degrees and twenty-three minutes west one thousand seven hundred and twenty-two feet to station three thousand four hundred and seventy-three plus fifty; thence on a one-degree and thirty-minute curve to the left three thousand five hundred and fifty-eight feet to station three thousand five hundred and nine plus eight; thence north seventy-six degrees and eight minutes west six thousand and fifty-two feet to station three thousand five hundred and sixty-nine plus sixty; thence on a thirty-minute curve to the right two thousand and sixty feet to station three thousand five hundred and ninety plus twenty; thence north sixty-five degrees and fifty minutes west (at one thousand one hundred and thirty feet intersecting the line between townships twelve south, ranges eleven and twelve east, one thousand seven hundred and fifty feet south of the corner of sections twelve, thirteen, seven, and eighteen) two thousand one hundred and two feet to station three thousand six hundred and eleven plus twenty-two; thence on a two-degree curve to the right one thousand one hundred and eighty-eight feet to station three thousand six hundred and twenty-three plus ten; thence north eighty-nine degrees and thirty-five minutes west seven hundred and sixty-five feet to station three thousand six hundred and thirty plus seventy-five; thence on a two-degree curve to the right six hundred

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and sixty-two feet to station three thousand six hundred and thirty-seven plus thirty-seven; thence north seventy-six degrees and twenty minutes west five hundred and ten feet to station three thousand six hundred and forty-two plus forty-seven; thence on a two-degree curve to the left one thousand four hundred and twenty-five feet to station three thousand six hundred and fifty-six plus seventy-two; thence south seventy-five degrees and ten minutes west (at three thousand nine hundred and forty-eight intersecting the county boundary between Fresno and Merced Counties) four thousand two hundred and thirty-three feet to station three thousand six hundred and ninety-nine plus five; thence on an eight-degree curve to the right two thousand feet to station three thousand seven hundred and nineteen plus five; thence north forty-four degrees and fifty minutes west six hundred and eighty-one feet to station three thousand seven hundred and twenty-five plus eighty-six; thence on a one-degree curve to the left nine hundred feet to station three thousand seven hundred and thirty-four plus eighty-six; thence north fifty-three degrees and fifty minutes west four hundred and twenty feet to station three thousand seven hundred and thirty-nine plus six; thence on a one-degree and thirty-minute curve to the right one thousand three hundred and seven feet to station three thousand seven hundred and fifty-two plus thirteen; thence north thirty-four degrees and fourteen minutes west one thousand three hundred and eighty-seven feet to station three thousand seven hundred and sixty-six; thence on a one-degree curve to the right one thousand four hundred feet to station three thousand seven hundred and eighty; thence north twenty degrees and fourteen minutes west four hundred and twenty-six feet to station three thousand seven hundred and eighty-four plus twenty-six; thence on a one-degree and thirty-minute curve to the left one thousand two hundred and eighty-three feet to station three thousand seven hundred and ninety-seven plus nine; thence north thirty-nine degrees and twenty-nine minutes west four thousand two hundred and fifty-nine feet to station three thousand eight hundred and thirty-nine plus sixty-eight; thence on a one-degree and thirty-minute curve to the left one thousand one hundred and sixty-nine feet to station three thousand eight hundred and fifty-one plus thirty-seven; thence north fifty-seven degrees and one minute west one thousand eight hundred and seventy-three feet to station three thousand eight hundred and seventy plus ten; thence on a one-degree and thirty-minute curve to the left nine hundred and thirty-three feet to station three thousand eight hundred and seventy-nine plus forty-three; thence north seventy-one degrees and seven minutes west three thousand and eighty-two feet to station three thousand nine hundred and ten plus twenty-five; thence on a thirty-minute curve to the left (at six hundred and seventy-five feet intersecting the line between townships eleven and twelve south, range eleven east, four thousand one hundred feet west of the corner of sections thirty-two, thirty-three, four,

and five) nine hundred feet to station three thousand nine hundred and nineteen plus twenty-five; thence north seventy-five degrees and thirty-one minutes west two thousand one hundred and twenty feet to station three thousand nine hundred and forty plus forty-five; thence on a one-degree curve to the right eight hundred and sixty-seven feet to station three thousand nine hundred and forty-nine plus twelve; thence north sixty-six degrees and fifty-one minutes west one thousand one hundred and thirty feet to station three thousand nine hundred and sixty plus seventy-two; thence on a one-degree curve to the left five hundred and thirty-three feet to station three thousand nine hundred and sixty-five plus seventy-five; thence north seventy-two degrees and eleven minutes west (at two thousand two hundred feet intersecting the line between township eleven south, ranges ten and eleven east, three thousand two hundred and fifty feet south of the corner of sections twenty-five, thirty-six, thirty, and thirty-one) two thousand three hundred and sixty-five feet to station three thousand nine hundred and eighty-nine plus forty; thence on a three-degree curve to the right two thousand one hundred and eighty-three feet to station four thousand and eleven plus twenty-three; thence north six degrees and forty-one minutes west two thousand and fifty-two feet to station four thousand and thirty-one plus seventy-five; thence on a one-degree curve to the left two thousand three hundred and seventy-five feet to station four thousand and fifty-five plus fifty; thence north thirty degrees and twenty-six minutes west two thousand four hundred and seventy-five feet to station four thousand and eighty plus twenty-five; thence on a one-degree curve to the left four hundred and fifty feet to station four thousand and eighty-four plus seventy-five; thence north thirty-four degrees and fifty-six minutes west eight hundred and seventy-five feet to station four thousand and ninety-three plus fifty; thence on a two-degree curve to the right one thousand one hundred and seventy-five feet to station four thousand one hundred and five plus twenty-five; thence north ten degrees and twenty-six minutes west two hundred and seventy-five feet to station four thousand one hundred and eight; thence on a two-degree curve to the left six hundred and ninety-seven feet to station four thousand one hundred and fourteen plus ninety-seven; thence north twenty-five degrees and twenty-three minutes west three hundred and forty-three feet to station four thousand one hundred and eighteen plus forty; thence on a two-degree curve to the right five hundred and fifty-seven feet to station four thousand one hundred and twenty-three plus ninety-seven; thence north fourteen degrees and fifteen minutes west two thousand two hundred and three feet to station four thousand one hundred and forty-six; thence on a two-degree curve to the left one thousand and twenty-five feet to station four thousand one hundred and fifty-six plus twenty-five; thence north thirty-four degrees and forty-five minutes west two thousand feet to station four thousand one

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hundred and seventy-six plus twenty-five; thence on a three-degree curve to the left one thousand three hundred and eighty-four feet to station four thousand one hundred and ninety plus nine; thence north seventy-six degrees and seventeen minutes west five hundred and eleven feet to station four thousand one hundred and ninety-five plus twenty; thence on a one-degree curve to the right four hundred feet to station four thousand one hundred and ninety-nine plus twenty; thence north seventy-two degrees and seventeen minutes west one thousand one hundred and ninety-five feet to station four thousand two hundred and eleven plus fifteen; thence on a two-degree curve to the right one thousand seven hundred and one feet to station four thousand two hundred and twenty-eight plus sixteen; thence north thirty-eight degrees and sixteen minutes west three hundred and thirty feet to station four thousand two hundred and thirty-one plus forty-six; thence on a two-degree curve to the left one thousand seven hundred and sixty-three feet to station four thousand two hundred and forty-nine plus nine; thence north seventy-three degrees and thirty-two minutes west three hundred and three feet to station four thousand two hundred and fifty-two plus twelve; thence on a two-degree curve to the right one thousand six hundred feet to station four thousand two hundred and sixty-eight plus twelve; thence north forty-one degrees and thirty-two minutes west five hundred and forty-six feet to station four thousand two hundred and seventy-three plus fifty-eight; thence on a two-degree curve to the left nine hundred and thirty-seven feet to station four thousand two hundred and eighty-two plus ninety-five; thence north sixty degrees and seventeen minutes west one hundred and twenty-five feet to station four thousand two hundred and eighty-four plus twenty; thence on a two-degree curve to the right one thousand two hundred and fifty feet to station four thousand two hundred and ninety-six plus seventy; thence north thirty-five degrees and seventeen minutes west eight hundred and fifty-five feet to station four thousand three hundred and five plus twenty-five; thence on a one-degree curve to the left three thousand and seventy-five feet to station four thousand three hundred and thirty-six; thence north sixty-six degrees and two minutes west two hundred and forty feet to station four thousand three hundred and thirty-eight plus forty; thence on a three-degree curve to the right one thousand six hundred and ninety-eight feet to station four thousand three hundred and fifty-five plus thirty-eight; thence north fifteen degrees and six minutes west one thousand one hundred and twelve feet to station four thousand three hundred and sixty-six plus fifty; thence on a two-degree curve to the left (at two thousand feet intersecting the line between townships ten and eleven south, range ten east, two thousand three hundred feet west of corner of sections thirty-two, thirty-three, four, and five) two thousand seven hundred and fifty-six feet to station four thousand three hundred and ninety-four plus six; thence north seventy degrees and thirteen minutes west nine hundred and nineteen feet to station four thousand

four hundred and three plus twenty-five; thence on a three-degree curve to the right eight hundred and twenty feet to station four thousand four hundred and eleven plus forty-five; thence north forty-five degrees and thirty-seven minutes west six hundred and seventy-eight feet to station four thousand four hundred and eighteen, plus twenty-three; thence on a one-degree curve to the left six hundred and fifty feet to station four thousand four hundred and twenty-four plus seventy-three; thence north fifty-two degrees and seven minutes west four hundred and eleven feet to station four thousand four hundred and twenty-eight plus eighty-four; thence on a two-degree curve to the right five hundred and twenty-five feet to station four thousand four hundred and thirty-four plus nine; thence north forty-one degrees and thirty-seven minutes west one thousand nine hundred and forty-eight feet to station four thousand four hundred and fifty-three plus fifty-seven; thence on a three-degree curve to the right nine hundred and twenty-eight feet to station four thousand four hundred and sixty-two plus eighty-five; thence north thirteen degrees and forty-seven minutes west one hundred and eighty-three feet to station four thousand four hundred and sixty-four plus sixty-eight; thence on a three-degree curve to the left one thousand one hundred and sixty-four feet to station four thousand four hundred and seventy-six plus thirty-two; thence north forty-eight degrees and forty-three minutes west five hundred and sixty-eight feet to station four thousand four hundred and eighty-two; thence on a two-degree curve to the right one thousand one hundred and thirty-seven feet to station four thousand four hundred and ninety-three plus thirty-seven; thence north twenty-five degrees and fifty-eight minutes west eight hundred and seventy-two feet to station four thousand five hundred and two plus nine; thence on an eight-degree curve to the left five hundred and sixty-two feet to station four thousand five hundred and seven plus seventy-one; thence north sixty-eight degrees and twenty-eight minutes west (at ten intersecting the line between townships ten south, ranges nine and ten east, two thousand and fifty feet south of the corner of sections twenty-four, twenty-five, nineteen, and thirty) ninety-one feet to station four thousand five hundred and eight plus sixty-two; thence on an eight-degree curve to the right five hundred and ninety-six feet to station four thousand five hundred and fourteen plus fifty-eight; thence north twenty degrees and forty-five minutes west one hundred and five feet to station four thousand five hundred and fifteen plus sixty-three; thence on an eight-degree curve to the left seven hundred and forty-nine feet to station four thousand five hundred and twenty-three plus twelve; thence north eighty degrees and forty-two minutes west one hundred and eighty-four feet to station four thousand five hundred and twenty-four plus ninety-six; thence on an eight-degree curve to the right seven hundred and sixty-six feet to station four thousand five hundred and thirty-two plus sixty-two; thence north nineteen degrees and twenty-three minutes west one

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thousand three hundred and thirty-eight feet to station four thousand five hundred and forty-six; thence on an eight-degree curve to the left eight hundred and thirteen feet to station four thousand five hundred and fifty-four plus thirteen; thence north eighty-four degrees and twenty-eight minutes west six hundred and sixty-seven feet to station four thousand five hundred and sixty plus eighty; thence on an eight-degree curve to the right one thousand and eighty-nine feet to station four thousand five hundred and seventy-one plus sixty-nine; thence north two degrees and forty-two minutes east one hundred and eighty-one feet to station four thousand five hundred and seventy-three plus fifty; thence on a three-degree curve to the left three hundred and ninety-three feet to station four thousand five hundred and seventy-seven plus forty-three; thence north nine degrees and seven minutes west nine hundred and twelve feet to station four thousand five hundred and eighty-six plus fifty-five; thence on a six-degree curve to the left seven hundred and thirty-six feet to station four thousand five hundred and ninety-three plus ninety-one; thence north fifty-three degrees and seventeen minutes west two thousand three hundred and fifty-eight feet to station four thousand six hundred and seventeen plus forty-nine; thence on an eight-degree curve to the left seven hundred and fifty feet to station four thousand six hundred and twenty-four plus ninety-nine; thence south sixty-six degrees and forty-three minutes west three hundred and ninety-one feet to station four thousand six hundred and twenty-eight plus ninety; thence on an eight-degree curve to the right eight hundred and seventy-six feet to station four thousand six hundred and thirty-seven plus sixty-six; thence north forty-three degrees and thirteen minutes west one thousand one hundred and seventeen feet to station four thousand six hundred and forty-eight plus eighty-three; thence on a four-degree curve to the right four hundred and ninety-six feet to station four thousand six hundred and fifty-three plus seventy-nine; thence north twenty-three degrees and twenty-three minutes west three hundred and four feet to station four thousand six hundred and fifty-six plus eighty-three; thence on an eight-degree curve to the left five hundred and forty-five feet to station four thousand six hundred and sixty-two plus twenty-eight; thence north sixty-seven degrees and two minutes west two hundred and sixty-two feet to station four thousand six hundred and sixty-four plus ninety; thence on a five-degree curve to the right seven hundred and ninety-two feet to station four thousand six hundred and seventy-two plus eighty-two; thence north twenty-seven degrees and twenty-four minutes west five hundred and ninety-three feet to station four thousand six hundred and seventy-eight plus seventy-five; thence on an eight-degree curve to the left five hundred and thirty-eight feet to station four thousand six hundred and eighty-four plus thirteen; thence north seventy degrees and twenty-eight minutes west one hundred and sixty-three feet to station four thousand six hundred and eighty-five plus seventy-six; thence

on an eight-degree curve to the right five hundred and eighty-five feet to station four thousand six hundred and ninety-one plus sixty-one; thence north twenty-three degrees and forty-three minutes west five hundred and fourteen feet to station four thousand six hundred and ninety-six plus seventy-five; thence on a five-degree curve to the left one thousand three hundred and eighty feet to station four thousand seven hundred and ten plus fifty-five; thence south eighty-seven degrees and fifteen minutes west six hundred and forty-two feet to station four thousand seven hundred and sixteen plus ninety-seven; thence on an eight-degree curve to the right nine hundred and fifty feet to station four thousand seven hundred and twenty-six plus forty-seven; thence north sixteen degrees and thirty minutes west one hundred and eighty-nine feet to station four thousand seven hundred and twenty-eight plus thirty-six; thence on a four-degree curve to the left one thousand three hundred and seventy-two feet to station four thousand seven hundred and forty-two plus eight; thence north seventy-one degrees and twenty-seven minutes west three thousand and three feet to station four thousand seven hundred and seventy-two plus eleven; thence on a two-degree curve to the left eight hundred and forty feet to station four thousand seven hundred and eighty plus fifty-one; thence north eighty-eight degrees and fifteen minutes west one hundred and thirty-one feet to station four thousand seven hundred and eighty-one plus eighty-two; thence on a seven-degree curve to the right five hundred and forty-nine feet to station four thousand seven hundred and eighty-seven plus thirty-one; thence north forty-nine degrees and fifty minutes west two hundred and fifty-eight feet to station four thousand seven hundred and eighty-nine plus eighty-nine; thence on an eight-degree curve to the left eight hundred and seventy-four feet to station four thousand seven hundred and ninety-eight plus sixty-three; thence south sixty degrees and twelve minutes west two hundred and twenty-two feet to station four thousand eight hundred plus eighty-five; thence on an eight-degree curve to the right eight hundred and fifty-three feet to station four thousand eight hundred and nine plus thirty-eight; thence north fifty-one degrees and thirty-two minutes west three hundred and eighty-one feet to station four thousand eight hundred and thirteen plus nineteen; thence on a two-degree curve to the left one thousand three hundred and eighty-six feet to station four thousand eight hundred and twenty-seven plus five; thence north seventy-nine degrees and fifteen minutes west one thousand six hundred and ninety feet to station four thousand eight hundred and forty-three plus ninety-five; thence on a six-degree curve to the left two hundred and sixty-four feet to station four thousand eight hundred and forty-six plus fifty-nine; thence south eighty-four degrees and fifty-four minutes west two hundred and forty-one feet to station four thousand eight hundred and forty-nine; thence on a six-degree curve to the right five hundred and ninety-four feet to station four thousand eight hundred and fifty-four plus ninety-four; thence north sixty-three degrees and

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twenty minutes west one thousand and sixty-seven feet to station four thousand eight hundred and sixty-five plus sixty-one; thence on a four-degree curve to the left three hundred and sixty-seven feet to station four thousand eight hundred and sixty-nine plus twenty-eight; thence north eighty-five degrees and forty-eight minutes west one thousand four hundred and seventy-six feet to station four thousand eight hundred and eighty-four plus four; thence on a three-degree curve to the left one thousand one hundred and eighty-three feet to station four thousand eight hundred and ninety-five plus eighty-seven; thence south fifty-eight degrees and forty-two minutes west one hundred and four feet to station four thousand eight hundred and ninety-six plus ninety-one; thence on a six-degree curve to the right (at seven hundred and twenty-nine feet intersecting the line between townships ten south, ranges eight and nine east, one thousand one hundred and sixty feet south of the corner of sections one, twelve, six, and seven) eight hundred and seventy-three feet to station four thousand nine hundred and five plus sixty-four; thence north sixty-eight degrees and fifty-eight minutes west six hundred and thirty-nine feet to station four thousand nine hundred and twelve plus three; thence on a six-degree curve to the right five hundred and fifty-three feet to station four thousand nine hundred and seventeen plus fifty-six; thence north thirty-five degrees and forty-eight minutes west one thousand eight hundred and ninety-four feet to station four thousand nine hundred and thirty-six plus fifty; thence on a six-degree curve to the left four hundred and ninety-one feet to station four thousand nine hundred and forty-one plus forty-one; thence north sixty-five degrees and eighteen minutes west two hundred and seventy-seven feet to station four thousand nine hundred and forty-four plus eighteen; thence on a six-degree curve to the right seven hundred and thirty-nine feet to station four thousand nine hundred and fifty-one plus fifty-seven; thence north twenty-one degrees and twelve minutes west one thousand one hundred and thirty-two feet to station four thousand nine hundred and sixty-two plus eighty-nine; thence on a seven-degree and ten-minute curve to the right six hundred and ninety-eight feet to station four thousand nine hundred and sixty-nine plus eighty-seven; thence north twenty-eight degrees and forty-eight minutes east seven hundred and twenty-four feet to station four thousand nine hundred and seventy-seven plus eleven; thence on a three-degree curve to the right four hundred and twenty-six feet to station four thousand nine hundred and eighty-one plus thirty-seven; thence north forty-one degrees and thirty-five minutes east (at nine hundred and sixty-three intersecting the line between townships nine and ten south, range eight east, two thousand five hundred and fifty feet west of the corner of townships nine and ten south, ranges eight and nine east) two thousand five hundred and three feet to station five thousand and six plus forty; thence on a seven-degree curve to the left seven hundred and seven feet to station five thousand and thirteen plus forty-seven; thence north seven



degrees and fifty-four minutes west one hundred and eighty-three feet to station five thousand and fifteen plus thirty; thence on a seven-degree curve to the right two hundred and ninety-two feet to station five thousand and eighteen plus twenty-two; thence north twelve degrees and thirty minutes east four thousand four hundred and fifty-three feet to station five thousand and fifty-two plus seventy-five; thence on a five-degree curve to the left seven hundred and forty-six feet to station five thousand and sixty plus twenty-one; thence north twenty-four degrees and forty-eight minutes west one thousand two hundred and fifty-nine feet to station five thousand and seventy-two plus eighty; thence on a six-degree curve to the right five hundred and fifty-two feet to station five thousand and seventy-eight plus thirty-two; thence north eight degrees and nineteen minutes east two hundred and eighty-two feet to station five thousand and eighty-one plus fourteen; thence on a four-degree curve to the left four hundred and eight feet to station five thousand and eighty-five plus twenty-two; thence north eight degrees and two minutes west one thousand one hundred and eighteen feet to station five thousand and ninety-six plus forty; thence on a seven-degree curve to the left eight hundred and thirty-four feet to station five thousand one hundred and four plus seventy-four; thence north sixty-six degrees and twenty-five minutes west one hundred and twenty-one feet to station five thousand one hundred and five plus ninety-five; thence on a seven-degree curve to the right seven hundred and seventy-four feet to station five thousand one hundred and thirteen plus sixty-nine; thence north twelve degrees and fifteen minutes west three hundred feet to station five thousand one hundred and sixteen plus sixty-nine; thence on a six-degree curve to the left eight hundred and fifty-five feet to station five thousand one hundred and twenty-five plus twenty-four; thence north sixty-three degrees and thirty-five minutes west one hundred and seventy-six feet to station five thousand one hundred and thirty-seven; thence on a seven-degree curve to the right one thousand five hundred and eighty-two feet to station five thousand one hundred and fifty-two plus eighty-two; thence north forty-seven degrees and eight minutes east three hundred and eighteen feet to station five thousand one hundred and fifty-six; thence on a five-degree curve to the left five hundred and fifty-five feet to station five thousand one hundred and sixty-one plus fifty-five; thence north nineteen degrees and twelve minutes east eight hundred and thirty-nine feet to station five thousand one hundred and sixty-nine plus ninety-four; thence on a five-degree curve to the right six hundred and twenty-eight feet to station five thousand one hundred and seventy-six plus twenty-two; thence north fifty degrees and thirty-six minutes east one hundred and twelve feet to station five thousand one hundred and seventy-seven plus thirty-four; thence on a five-degree curve to the left six hundred and ninety-five feet to station five thousand one hundred and eighty-four plus twenty-nine; thence north fifteen degrees and forty-nine minutes east

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three thousand four hundred and fifty feet to station five thousand two hundred and eighteen plus seventy-nine; thence on a three-degree curve to the left one thousand one hundred and fifty-one feet to station five thousand two hundred and thirty plus thirty; thence north eighteen degrees and forty-three minutes west six hundred and thirty feet to station five thousand two hundred and thirty-six plus sixty; thence on a five-degree curve to the right seven hundred and eighty feet to station five thousand two hundred and forty-four plus forty; thence north twenty degrees and seventeen minutes east one hundred and thirty feet to station five thousand two hundred and forty-five plus seventy; thence on a seven-degree curve to the left one thousand one hundred and ninety-one feet to station five thousand two hundred and fifty-seven plus sixty-one; thence north sixty-three degrees and six minutes west seven hundred and six feet to station five thousand two hundred and sixty-four plus sixty-seven; thence on a six-degree curve to the right seven hundred and fifty-three feet to station five thousand two hundred and seventy-two plus twenty; thence north seventeen degrees and fifty-six minutes west one thousand one hundred and thirty-four feet to station five thousand two hundred and eighty-three plus fifty-four; thence on a three-degree curve to the left nine hundred and fifty-five feet to station five thousand two hundred and ninety-three plus nine; thence north forty-six degrees and five minutes west one thousand five hundred and eighty-five feet to station five thousand three hundred and eight plus ninety-four; thence on a four-degree curve to the left nine hundred and ninety-six feet to station five thousand three hundred and eighteen plus ninety; thence north eighty-five degrees and fifty-five minutes west one hundred and twenty-seven feet to station five thousand three hundred and twenty plus seventeen; thence on a six-degree curve to the right one thousand four hundred and forty-two feet to station five thousand three hundred and thirty-four plus fifty-nine; thence north naught degrees and thirty-seven minutes east one thousand and fifty-five feet to station five thousand three hundred and forty-five plus fourteen; thence on a five-degree curve to the left one thousand two hundred and seventy-one feet to station five thousand three hundred and fifty-seven plus eighty-five; thence north sixty-two degrees and fifty-seven minutes west one hundred and twenty-nine feet to station five thousand three hundred and fifty-nine plus fourteen; thence on a six-degree curve to the right seven hundred and fifty-four feet to station five thousand three hundred and sixty-six plus sixty-eight; thence north seventeen degrees and forty-one minutes west (at two hundred feet intersecting the line between townships eight and nine south, range eight east, four thousand and forty-five feet west of corner of sections thirty-five, thirty-six, one, and two) two hundred and fifty-two feet to station five thousand three hundred and sixty-nine plus twenty; thence on a four-degree curve to the left six hundred and eleven feet to station five thousand three hundred and seventy-five plus thirty-one; thence north

forty-two degrees and seven minutes west eight hundred and forty-six feet to station five thousand three hundred and eighty-three plus seventy-seven; thence on a two-degree curve to the right five hundred and thirteen feet to station five thousand three hundred and eighty-eight plus ninety; thence north thirty-one degrees and fifty-one minutes west eight hundred and sixty feet to station five thousand three hundred and ninety-seven plus fifty; thence on a four-degree curve to the right seven hundred and forty feet to station five thousand four hundred and four plus ninety; thence north two degrees and fifteen minutes west five hundred and forty feet to station five thousand four hundred and ten plus thirty; thence on a six-degree curve to the left four hundred and thirty-eight feet to station five thousand four hundred and fourteen plus sixty-eight; thence north twenty-eight degrees and twenty-nine minutes west two hundred and twelve feet to station five thousand four hundred and sixteen plus eighty; thence on a six-degree curve to the right eight hundred and forty-two feet to station five thousand four hundred and twenty-five plus twenty-two; thence north twenty-two degrees and three minutes east one thousand one hundred and eighteen feet to station five thousand four hundred and thirty-six plus forty; thence on a five-degree curve to the left seven hundred and forty-five feet to station five thousand four hundred and forty-three plus eighty-five; thence north fifteen degrees and eleven minutes west two hundred and ninety feet to station five thousand four hundred and forty-six plus seventy-five; thence on a one-degree curve to the right one thousand one hundred and eighty-eight feet to station five thousand four hundred and fifty-eight plus sixty-three; thence north three degrees and eighteen minutes west two thousand six hundred and seventy feet to station five thousand four hundred and eighty-five plus thirty-three; thence on a seven-degree curve to the left three hundred and eighty-two feet to station five thousand four hundred and eighty-nine plus fifteen; thence north twenty-nine degrees and twenty-seven minutes west three hundred and ninety-three feet to station five thousand four hundred and ninety-three plus eight; thence on a seven-degree curve to the right four hundred and thirty-seven feet to station five thousand four hundred and ninety-seven plus forty-five; thence north naught degrees and thirty-eight minutes east six hundred and eighty-eight feet to station five thousand five hundred and four plus thirty-three; thence on a seven-degree curve to the left eight hundred and twenty-two feet to station five thousand five hundred and twelve plus fifty-five; thence north fifty-six degrees and fifty-five minutes west five hundred and ninety-five feet to station five thousand five hundred and eighteen plus fifty; thence on a eight-degree curve to the right seven hundred and ten feet to station five thousand five hundred and twenty-five plus sixty; thence north naught degrees and five minutes west one thousand one hundred and twenty-two feet to station five thousand five hundred and thirty-six plus eighty-two; thence on a ten-degree

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curve to the left six hundred and twenty-one feet to station five thousand five hundred and forty-three plus three; thence north sixty-two degrees and ten minutes west two hundred and twenty-two feet to station five thousand five hundred and forty-five plus twenty-five; thence on a ten-degree curve to the right one thousand and thirty feet to station five thousand five hundred and fifty-five plus fifty-five; thence north forty degrees and fifty-one minutes east eight hundred and eighty-five feet to station five thousand five hundred and sixty-four plus forty; thence on a three-degree curve to the left two thousand four hundred and fifty-five feet to station five thousand five hundred and eighty-eight plus ninety-five; thence north thirty-two degrees and forty-nine minutes west three hundred and forty feet to station five thousand five hundred and ninety-two plus thirty-five; thence on a two-degree curve to the right (at one thousand one hundred and sixty-five feet intersecting the boundary line between Merced and Stanislaus Counties) one thousand three hundred and fifty feet to station five thousand six hundred and five plus eighty-five; thence north five degrees and fifty minutes west one thousand five hundred and sixteen feet to station five thousand six hundred and twenty-one plus one; thence on a ten-degree curve to the left five hundred and fifteen feet to station five thousand six hundred and twenty-six plus sixteen; thence north fifty-seven degrees and eighteen minutes west seventy-one feet to station five thousand six hundred and twenty-six plus eighty-seven; thence on a thirteen-degree curve to the right one thousand one hundred and twenty-one feet to station five thousand six hundred and thirty-eight plus eight; thence north eighty-eight degrees and twenty-six minutes east two hundred and seventy-two feet to station five thousand six hundred and forty plus eighty; thence on a thirteen-degree curve to the left seven hundred and ninety-four feet to station five thousand six hundred and forty-eight plus seventy-four; thence north fourteen degrees and forty-eight minutes west three hundred and seventy-eight feet to station five thousand six hundred and fifty-two plus fifty-two; thence on a twelve-degree curve to the right three hundred and sixty feet to station five thousand six hundred and fifty-six plus twelve; thence north twenty-eight degrees and twenty-seven minutes east one hundred and twenty-three feet to station five thousand six hundred and fifty-seven plus thirty-five; thence on a ten-degree curve to the left four hundred and forty-five feet to station five thousand six hundred and sixty-one plus eighty; thence north sixteen degrees and two minutes west one thousand three hundred and forty-six feet to station five thousand six hundred and seventy-five plus twenty-six; thence on a twelve-degree curve to the right five hundred and sixteen feet to station five thousand six hundred and eighty plus forty-two; thence north forty-five degrees and fifty-five minutes east one hundred and thirty-four feet to station five thousand six hundred and eighty-one plus seventy-six; thence on a nine-degree curve to the left one thousand seven hundred and thirty-three feet to station five thousand six hundred and

ninety-nine plus nine; thence south sixty-nine degrees and fifty-five minutes west four hundred and sixty-six feet to station five thousand seven hundred and three plus seventy-five; thence on a six-degree curve to the left four hundred and seventy-seven feet to station five thousand seven hundred and eight plus fifty-two; thence south forty-one degrees and eighteen minutes west one hundred and sixty-seven feet to station five thousand seven hundred and ten plus nineteen; thence on a thirteen-degree curve to the right five hundred and seventy-two feet to station five thousand seven hundred and fifteen plus ninety-one; thence north sixty-four degrees and twenty-two minutes west six hundred and thirty-six feet to station five thousand seven hundred and twenty-two plus twenty-seven; thence on a ten-degree curve to the right two hundred and eleven feet to station five thousand seven hundred and twenty-four plus thirty-eight; thence north forty-three degrees and thirteen minutes west three hundred and fifty-six feet to station five thousand seven hundred and twenty-seven plus ninety-four; thence on a ten-degree curve to the left five hundred and seventy-two feet to station five thousand seven hundred and thirty-three plus sixty-six; thence south seventy-nine degrees and thirty-six minutes west one hundred and fifty-five feet to station five thousand seven hundred and thirty-five plus twenty-one; thence on a six-degree curve to the left one hundred and seventy-four feet to station five thousand seven hundred and thirty-six plus ninety-five; thence south sixty-nine degrees and ten minutes west one hundred and sixty-six feet to station five thousand seven hundred and thirty-eight plus sixty-one; thence on an eight-degree curve to the right two hundred and eighty-eight feet to station five thousand seven hundred and forty-one plus forty-nine; thence north eighty-seven degrees and forty-six minutes west four hundred and ninety-one feet to station five thousand seven hundred and forty-six plus forty; thence on a thirteen-degree curve to the right eight hundred and fifty-six feet to station five thousand seven hundred and fifty-four plus ninety-six; thence north twenty-three degrees and thirty-four minutes east one thousand three hundred and one feet to station five thousand seven hundred and sixty-seven plus ninety-seven; thence on a thirteen-degree curve to the right five hundred and eighty-seven feet to station five thousand seven hundred and seventy-three plus eighty-four; thence south eighty degrees and three minutes east three hundred and ninety-two feet to station five thousand seven hundred and seventy-seven plus seventy-six; thence on a thirteen-degree curve to the left (at one thousand two hundred and twenty-four feet intersecting the line between townships seven and eight south, range eight east, one thousand feet west of the corner of sections thirty-three, thirty-four, three, and four) one thousand two hundred and seventy-seven feet to station five thousand seven hundred and ninety plus fifty-three; thence north sixty-six degrees and nine minutes west one hundred and fifty-nine feet to station five thousand seven hundred and ninety-two plus twelve; thence on a

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thirteen-degree curve to the right one hundred and thirty-nine feet to station five thousand seven hundred and ninety-three plus fifty-one; thence north forty-eight degrees and three minutes west one hundred and twenty-nine feet to station five thousand seven hundred and ninety-four plus eighty; thence on an eight degree-curve to the left one hundred and eighty-five feet to station five thousand seven hundred and ninety-six plus sixty-five; thence north sixty-two degrees and fifty-one minutes west one hundred and eight feet to station five thousand seven hundred and ninety-seven plus seventy-three; thence on a twelve-degree curve to the right two hundred and three feet to station five thousand seven hundred and ninety-nine plus seventy-six; thence north thirty-eight degrees and twenty-four minutes west four hundred and twenty-five feet to station five thousand eight hundred and four plus one; thence on a six-degree curve to the left one hundred and fifty-one feet to station five thousand eight hundred and five plus fifty-two; thence north forty-seven degrees and twenty-nine minutes west three hundred and sixty-feet to station five thousand eight hundred and nine plus twelve; thence on a two-degree curve to the right five hundred and ninety-nine feet to station five thousand eight hundred and fifteen plus eleven; thence north thirty-five degrees and thirty minutes west five hundred and thirty-nine feet to station five thousand eight hundred and twenty plus fifty; thence on a ten-degree curve to the right one thousand seven hundred and sixty-five feet to station five thousand eight hundred and thirty-eight plus fifteen; thence south thirty-nine degrees east two hundred and forty-two feet to station five thousand eight hundred and forty plus fifty-seven; thence on an eight-degree curve to the left three hundred and four feet to station five thousand eight hundred and forty-three plus sixty-one; thence south sixty-three degrees and twenty minutes east one thousand four hundred and fifty-six feet to station five thousand eight hundred and fifty-eight plus seventeen; thence on a four-degree curve to the left one thousand one hundred and twenty-three feet to station five thousand eight hundred and sixty-nine plus forty; thence north seventy-one degrees and forty-three minutes east six hundred and fifty-eight feet to station five thousand eight hundred and seventy-five plus ninety-eight; thence on an eight-degree curve to the left nine hundred and forty-five feet to station five thousand eight hundred and eighty-five plus forty-three; thence north three degrees and fifty-two minutes west six hundred and five feet to station five thousand eight hundred and ninety-one plus forty-eight; thence on a four-degree curve to the right two hundred and eighty-nine feet to station five thousand eight hundred and ninety-four plus thirty-seven; thence north seven degrees and forty-one minutes east seven hundred and forty-five feet to station five thousand nine hundred and one plus eighty-two; thence on a thirteen-degree curve to the left eight hundred and forty-six feet to station five thousand nine hundred and ten plus twenty-eight; thence south seventy-seven degrees and thirty-eight minutes west four hundred and sixty-four feet to

station five thousand nine hundred and fourteen plus ninety-two; thence on a ten-degree curve to the right one thousand six hundred feet to station five thousand nine hundred and thirty plus ninety-two; thence north fifty-seven degrees and thirty-six minutes east ninety-two feet to station five thousand nine hundred and thirty-one plus eighty-four; thence on a thirteen-degree curve to the left eight hundred and three feet to station five thousand nine hundred and thirty-nine plus eighty-seven; thence north forty-six degrees and forty-four minutes west five hundred and ninety-one feet to station five thousand nine hundred and forty-five plus seventy-eight; thence on a thirteen-degree curve to the right one thousand two hundred and eighteen feet to station five thousand nine hundred and fifty-seven plus ninety-six; thence south sixty-eight degrees and twenty-three minutes east three hundred and ninety-six feet to station five thousand nine hundred and sixty-one plus ninety-two; thence on a thirteen-degree curve to the left one thousand and fifty-six feet to station five thousand nine hundred and seventy-two plus forty-eight; thence north twenty-five degrees and thirty-eight minutes west eight hundred and sixty-one feet to station five thousand nine hundred and eighty-one plus nine; thence on a ten-degree curve to the left two hundred and seventy-four feet to station five thousand nine hundred and eighty-three plus eighty-three; thence north fifty-three degrees west four hundred and seven feet to station five thousand nine hundred and eighty-seven plus ninety; thence on a twelve-degree curve to the left four hundred and six feet to station five thousand nine hundred and ninety-one plus ninety-six; thence south seventy-eight degrees and seventeen minutes west two hundred and thirty-five feet to station five thousand nine hundred and ninety-four plus thirty-one; thence on a thirteen-degree curve to the right one thousand one hundred and fifty-seven feet to station six thousand and five plus eighty-eight; thence north forty-eight degrees and forty-two minutes east one hundred and ninety-nine feet to station six thousand and seven plus eighty-seven; thence on a thirteen-degree curve to the left nine hundred and fourteen feet to station six thousand and seventeen plus one; thence north seventy degrees and five minutes west one hundred and ninety-eight feet to station six thousand and eighteen plus ninety-nine; thence on a thirteen-degree curve to the right six hundred and sixty-one feet to station six thousand and twenty-five plus sixty; thence north fifteen degrees and fifty-three minutes east seventy-three feet to station six thousand and twenty-six plus thirty-three; thence on a thirteen-degree curve to the left four hundred and twenty-three feet to station six thousand and thirty plus fifty-six; thence north thirty-nine degrees and four minutes west one thousand one hundred and seventy-five feet to station six thousand and forty-two plus thirty-one; thence on a four-degree curve to the right one thousand and seventy-five feet to station six thousand and fifty-three plus six; thence north three degrees and fifty-seven minutes east five hundred and fifty-four feet to station six thousand and fifty-eight plus

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sixty; thence on an eight-degree curve to the left three hundred and forty-six feet to station six thousand and sixty-two plus six; thence north twenty-three degrees and forty-five minutes west six hundred and fifty-five feet to station six thousand and sixty-eight plus sixty-one; then on a ten-degree curve to the left three hundred and twenty feet to station six thousand and seventy-one plus eighty-one; thence north fifty-five degrees and fifty-one minutes west one hundred and eighty-six feet to station six thousand and seventy-three plus sixty-seven; thence on an eight-degree curve to the right three hundred and nine feet to station six thousand and seventy-six plus seventy-six; thence north thirty-one degrees and seven minutes west eight hundred and sixty-four feet to station six thousand and eighty-five plus forty; thence on an eight-degree curve to the left five hundred and thirty-five feet to station six thousand and ninety plus seventy-five; thence north seventy-three degrees and fifty-five minutes west two hundred and sixty-five feet to station six thousand and ninety-three plus forty; thence on an eight-degree curve to the right five hundred and seventy-two feet to station six thousand and ninety-nine plus twelve; thence north twenty-eight degrees and ten minutes west two thousand three hundred and seventeen feet to station six thousand one hundred and twenty-two plus twenty-nine; thence on a one-degree curve to the left five hundred and twenty-seven feet to station six thousand one hundred and twenty-seven plus fifty-six; thence north thirty-three degrees and twenty-six minutes west one thousand four hundred and thirteen feet to station six thousand one hundred and forty-one plus sixty-nine; thence on an eight-degree curve to the right seven hundred and seventy-three feet to station six thousand one hundred and forty-nine plus forty-two; thence north twenty-eight degrees and twenty-seven minutes east two hundred and fifteen feet to station six thousand one hundred and fifty-one plus fifty-seven; thence on a four-degree curve to the left three hundred and forty-one feet to station six thousand one hundred and fifty-four plus ninety-eight; thence north fourteen degrees and twenty-eight minutes east four hundred and thirty feet to station six thousand one hundred and fifty-nine plus twenty-eight; thence on a four-degree curve to the right six hundred and seventy-nine feet to station six thousand one hundred and sixty-six plus seven; thence north forty-one degrees and thirty-eight minutes east three hundred and twenty-three feet to station six thousand one hundred and sixty-nine plus thirty; thence on an eight-degree curve to the left five hundred and twenty feet to station six thousand one hundred and seventy-four plus fifty; thence north one thousand three hundred and sixty-three feet to station six thousand one hundred and eighty-eight plus thirteen; thence on a four-degree curve to the right five hundred and ninety-two feet to section six thousand one hundred and ninety-four plus five; thence north twenty-three degrees and forty-one minutes east one hundred and ninety-eight feet to station six thousand one hundred and ninety-six plus three; thence on a three-degree



curve to the left one thousand four hundred and ninety feet to station six thousand two hundred and ten plus ninety-three; thence on an eight-degree curve to the left five hundred and forty-eight feet to station six thousand two hundred and sixteen plus forty-one; thence north sixty-four degrees and fifty-one minutes west two hundred and thirty-four feet to station six thousand two hundred and eighteen plus seventy-five; thence on a seven-degree curve to the right one thousand four hundred and forty-eight feet to station six thousand two hundred and thirty-three plus twenty-three; thence north thirty-six degrees and thirty-two minutes east two thousand and seventy-eight feet to station six thousand two hundred and fifty-four plus one; thence on a four-degree curve to the right five hundred and thirteen feet to station six thousand two hundred and fifty-nine plus fourteen; thence north fifty-seven degrees and four minutes east two hundred and ninety-seven feet to station six thousand two hundred and sixty-two plus eleven; thence on an eight-degree curve to the left (at four hundred and thirty-nine feet intersecting the line between townships six and seven south, range eight east, four thousand two hundred and fifty feet west of the corner of sections thirty-three, thirty-four, three, and four) eight hundred and sixty-three feet to station six thousand two hundred and seventy plus seventy-four; thence north eleven degrees and fifty-eight minutes west one thousand five hundred and forty-five feet to station six thousand two hundred and eighty-six plus nineteen; thence on a four-degree curve to the right eight hundred and eight feet to station six thousand two hundred and ninety-four plus twenty-seven; thence north twenty degrees and twenty-two minutes east three hundred and ninety-three feet to station six thousand two hundred and ninety-eight plus twenty; thence on a one-degree curve to the left two thousand five hundred and thirteen feet to station six thousand three hundred and twenty-three plus thirty-three; thence north four degrees and forty-six minutes west, two thousand nine hundred and forty-eight feet to station six thousand three hundred and fifty-two plus eighty-one; thence on a two-degree curve to the left one thousand three hundred and thirteen feet to station six thousand three hundred and sixty-five plus ninety-four; thence north thirty-one degrees and two minutes west one thousand three hundred and eighty-nine feet to station six thousand three hundred and seventy-nine plus eighty-three; thence on a two-degree curve to the left nine hundred and fifty-six feet to station six thousand three hundred and eighty-nine plus thirty-nine; thence north fifty degrees and ten minutes west five thousand and fifty-seven feet to station six thousand four hundred and thirty-nine plus ninety-six; thence on a four-degree curve to the right seven hundred and seventeen feet to station six thousand four hundred and forty-seven plus thirteen; thence north twenty-one degrees and twenty-eight minutes west six hundred and three feet to station six thousand four hundred and fifty-three plus sixteen; thence on a three-degree curve to the left four hun-

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dred and sixty-nine feet to station six thousand four hundred and fifty-seven plus eighty-five; thence north thirty-nine degrees and twenty-three minutes west four hundred and seventy feet to station six thousand four hundred and sixty-two plus fifty-five; thence on a one-degree curve to the right one thousand six hundred and ten feet to station six thousand four hundred and seventy-eight plus sixty-five; thence north twenty-three degrees and seventeen minutes west four hundred and seventy-nine feet to station six thousand four hundred and eighty-three plus forty-four; thence on a one-degree curve to the right two thousand seven hundred and twenty-eight feet to station six thousand five hundred and ten plus seventy-two; thence north, four degrees east, six hundred and eighty-eight feet to station six thousand five hundred and seventeen plus sixty; thence on a one-degree curve to the left one thousand eight hundred and three feet to station six thousand five hundred and thirty-five plus sixty-three; thence north fourteen degrees and two minutes west three thousand three hundred and eighty-six feet to station six thousand five hundred and sixty-nine plus forty-nine; thence on a two-degree curve to the left one thousand five hundred and five feet to station six thousand five hundred and eighty-four plus fifty-four; thence north forty-four degrees and nine minutes west one thousand nine hundred and seventy feet to station six thousand six hundred and four plus twenty-four; thence on a three-degree curve to the left (at seven hundred and seventy-six feet intersecting the line between townships six south, ranges seven and eight east, one thousand five hundred feet south of the corner of townships five and six south, ranges seven and eight east) one thousand nine hundred and ninety-three feet to station six thousand six hundred and twenty-four plus seventeen; thence south seventy-six degrees and two minutes west three hundred and eighty-seven feet to station six thousand six hundred and twenty-eight plus four; thence on a four-degree curve to the right seven hundred and fifty-eight feet to station six thousand six hundred and thirty-five plus sixty-two; thence north seventy-three degrees and thirty-nine minutes west three hundred and forty-six feet to station six thousand six hundred and forty-nine plus eight; thence on a two-degree curve to the left one thousand eight hundred and seventy feet to station six thousand six hundred and fifty-seven plus seventy-eight; thence south sixty-eight degrees and fifty-six minutes west three hundred and fifty-one feet to station six thousand six hundred and sixty-one plus twenty-nine; thence on an eight-degree curve to the right one thousand three hundred and thirty-seven feet to station six thousand six hundred and seventy-four plus sixty-six; thence north four degrees and three minutes west six hundred and thirty-seven feet to station six thousand six hundred and eighty-one plus three; thence on a one-degree curve to the left (at four hundred and forty-seven feet intersecting the line between townships five and six south, range seven east, four hundred and eighty feet west of the corner of sections thirty-five, thirty-six, one, and two) one

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thousand four hundred and fifteen feet to station six thousand six hundred and ninety-five plus eighteen; thence north eighteen degrees and twelve minutes west one thousand two hundred and eighty-six feet to station six thousand seven hundred and eight plus four; thence on a five-degree curve to the left eight hundred and fifty-six feet to station six thousand seven hundred and sixteen plus sixty; thence north sixty-one degrees west two hundred and forty-nine feet to station six thousand seven hundred and nineteen plus nine; thence on an eight-degree curve to the right six hundred and fifty-nine feet to station six thousand seven hundred and twenty-five plus sixty-eight; thence north eight degrees and thirteen minutes west two hundred and forty-three feet to station six thousand seven hundred and twenty-eight plus eleven; thence on an eight-degree curve to the left five hundred and forty-two feet to station six thousand seven hundred and thirty-three plus fifty-three; thence north fifty-one degrees and thirty-eight minutes west two hundred and seventy-three feet to station six thousand seven hundred and thirty-six plus twenty-six; thence on an eight-degree curve to the right six hundred and forty-five feet to station six thousand seven hundred and forty-two plus seventy-one; thence north two hundred and thirty-three feet to station six thousand seven hundred and forty-five plus four; thence on a five-degree curve to the left three hundred and seventy-nine feet to station six thousand seven hundred and forty-eight plus eighty-three; thence north eighteen degrees and fifty-seven minutes west one thousand four hundred and sixty feet to station six thousand seven hundred and sixty-three plus forty-three; thence on a four-degree curve to the left five hundred and four feet to station six thousand seven hundred and sixty-eight plus forty-seven; thence north thirty-nine degrees and eleven minutes west one thousand two hundred and seventy-nine feet to station six thousand seven hundred and eighty-one plus twenty-six; thence on a three-degree curve to the left one thousand and seventy-five feet to station six thousand seven hundred and ninety-two plus one; thence north seventy-one degrees and twenty-seven minutes west three hundred and ninety-two feet to station six thousand seven hundred and ninety-five plus ninety-three; thence on a three-degree curve to the right one thousand three hundred and ninety feet to station six thousand eight hundred and nine plus three; thence north twenty-nine degrees and forty-five minutes west one thousand two hundred and eleven feet to station six thousand eight hundred and twenty-one plus ninety-four; thence on a five-degree curve to the right four hundred and five feet to station six thousand eight hundred and twenty-five plus ninety-nine; thence north nine degrees and twenty-nine minutes west two hundred and four feet to station six thousand eight hundred and twenty-eight plus three; thence on an eight-degree curve to the left two hundred and eighty-one feet to station six thousand eight hundred and thirty plus eighty-four; thence north thirty-one degrees and fifty-nine

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minutes west three hundred and eighty feet to station six thousand eight hundred and thirty-four plus sixty-four; thence on a two-degree curve to the right two thousand four hundred and forty-nine feet to station six thousand eight hundred and fifty-nine plus thirteen; thence on a three-degree curve to the right seven hundred and forty feet to station six thousand eight hundred and sixty-six plus fifty-three; thence north thirty-nine degrees and twelve minutes east three hundred and thirty-seven feet to station six thousand eight hundred and sixty-nine plus ninety; thence on an eight-degree curve to the left six hundred and thirty-five feet to station six thousand eight hundred and seventy-six plus twenty-five; thence north eleven degrees and thirty-six minutes west one thousand three hundred and twenty-three feet to station six thousand eight hundred and eighty-nine plus forty-eight; thence on an eight-degree curve to the left five hundred and twenty-five feet to station six thousand eight hundred and ninety-four plus seventy-three; thence north fifty-three degrees and twenty-six minutes west one thousand and sixty-seven feet to station six thousand nine hundred and five plus forty; thence on a five-degree curve to the right seven hundred and eighty-five feet to station six thousand nine hundred and thirteen plus twenty-five; thence north fourteen degrees and ten minutes west three hundred and twenty-five feet to station six thousand nine hundred and sixteen plus forty-five; thence on a five-degree curve to the left six hundred and eighty-eight feet to station six thousand nine hundred and twenty-three plus thirty-three; thence north forty-eight degrees and thirty-five minutes west five hundred and ninety-four feet to station six thousand nine hundred and twenty-nine plus twenty-seven; thence on an eight-degree curve to the left seven hundred and eighty feet to station six thousand nine hundred and thirty-seven plus seven; thence south sixty-eight degrees and fifty-nine minutes west two hundred and twenty-three feet to station six thousand nine hundred and thirty-nine plus thirty; thence on a ten-degree curve to the right seven hundred and seventy-three feet to station six thousand nine hundred and forty-seven plus three; thence north thirty-three degrees and forty-one minutes west three hundred and seventy-nine feet to station six thousand nine hundred and fifty plus eighty-two; thence on an eight-degree curve to the left five hundred and thirty-six feet to station six thousand nine hundred and fifty-six plus eighteen; thence north seventy-six degrees and thirty-six minutes west one thousand two hundred and sixty-seven feet to station six thousand nine hundred and sixty-eight plus eighty-five; thence on a five-degree curve to the left four hundred and ninety-five feet to station six thousand nine hundred and seventy-three plus eighty; thence south seventy-eight degrees and thirty-seven minutes west two hundred and thirty-seven feet to station six thousand nine hundred and seventy-six plus seventeen; thence on an eight-degree curve to the right one thousand and twenty-eight feet to station six thousand nine hundred and eighty-six plus forty-five; thence

north nineteen degrees and five minutes west one thousand two hundred and fifty-nine feet to station six thousand nine hundred and ninety-nine plus four; thence on a one-degree curve to the right nine hundred and two feet to station seven thousand and eight plus six; thence north nine degrees and fifty-three minutes west one thousand nine hundred and twenty-seven feet to station seven thousand and twenty-seven plus thirty-three; thence on a one-degree curve to the left one thousand one hundred and thirty-six feet to station seven thousand and thirty-eight plus sixty-nine; thence north twenty degrees and thirty-eight minutes west eight hundred and seventy-two feet to station seven thousand and forty-seven plus forty-one; thence on a one-degree curve to the left nine hundred feet to station seven thousand and fifty-six plus forty-one; thence north twenty-nine degrees and thirty-eight minutes west five hundred and thirty-seven feet to station seven thousand and sixty-one plus seventy-eight; thence on a two-degree curve to the left seven hundred feet to station seven thousand and sixty-eight plus seventy-eight; thence north forty-three degrees and thirty-eight minutes west seven hundred and forty feet to station seven thousand and seventy-six plus eighteen; thence on a four-degree curve to the left one thousand and thirty-two feet to station seven thousand and eighty-six plus fifty; thence north eighty-four degrees and fifty-six minutes west one thousand two hundred and eighty-three feet to station seven thousand and ninety-nine plus thirty-three; thence on a four-degree curve to the right four hundred and forty-eight feet to station seven thousand one hundred and three plus eighty-one; thence north sixty-seven degrees and one minute west five hundred and twenty-eight feet to station seven thousand one hundred and nine plus nine; thence on a five-degree curve to the right (at six hundred and forty-one feet intersecting the first standard south between townships four and five south, range seven east, one thousand two hundred and twenty feet west of the corner of sections thirty-one, thirty-two, five, and six) eight hundred and eight feet to station seven thousand one hundred and seventeen plus seventeen; thence north twenty-six degrees and thirty-seven minutes west eight hundred and twenty-seven feet to station seven thousand one hundred and twenty-five plus forty-four; thence on a five-degree curve to the right eight hundred and twenty-two feet to station seven thousand one hundred and thirty-three plus sixty-six; thence north fourteen degrees and twenty-nine minutes east three hundred and fourteen feet to station seven thousand one hundred and thirty-six plus eighty; thence on an eight-degree curve to the left four hundred and ninety-three feet to station seven thousand one hundred and forty-one plus seventy-three; thence north twenty-four degrees and fifty-six minutes west one thousand two hundred and fifty-two feet to station seven thousand one hundred and fifty-four plus twenty-five; thence on a three-degree curve to the right five hundred and seventy-seven feet to station seven thousand one hundred and sixty plus two; thence north seven degrees and thirty-seven min-

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utes west three hundred and nineteen feet to station seven thousand one hundred and sixty-three plus twenty-one; thence on a three-degree curve to the right three hundred and sixty-five feet to station seven thousand one hundred and sixty-six plus eighty-six; thence north three degrees and twenty minutes east six hundred and fifteen feet to station seven thousand one hundred and seventy-three plus one; thence on a four-degree curve to the left six hundred and sixty-seven feet to station seven thousand one hundred and seventy-nine plus sixty-eight; thence north twenty-three degrees and twenty-one minutes west one thousand three hundred and thirty-three feet to station seven thousand one hundred and ninety-three plus one; thence on a three-degree curve to the left four hundred and ninety-six feet to station seven thousand one hundred and ninety-seven plus ninety-seven; thence north thirty-eight degrees and fourteen minutes west six hundred and five feet to station seven thousand two hundred and four plus two; thence on a seven-degree curve to the left five hundred and twenty-three feet to station seven thousand two hundred and nine plus twenty-five; thence north seventy-four degrees and forty-nine minutes west one hundred and fifty-one feet to station seven thousand two hundred and ten plus seventy-six; thence on a six-degree curve to the right three hundred and ninety-nine feet to station seven thousand two hundred and fourteen plus seventy-five; thence north fifty degrees and fifty-three minutes west (at one thousand and twenty-five feet intersecting the line between townships four south, ranges six and seven east, one thousand two hundred feet south of the corner of sections twenty-four, twenty-five, nineteen, and thirty) one thousand eight hundred and forty-four feet to station seven thousand two hundred and thirty-three plus nineteen; thence on a four-degree curve to the left six hundred and twelve feet to station seven thousand two hundred and thirty-nine plus thirty-one; thence north seventy-five degrees and twenty-one minutes west five hundred and seventy-seven feet to station seven thousand two hundred and forty-five plus eight; thence on a two-degree curve to the left six hundred and thirty-six feet to station seven thousand two hundred and fifty-one plus forty-four; thence north eighty-eight degrees and four minutes west four hundred and twenty-seven feet to station seven thousand two hundred and fifty-five plus seventy-one; thence on a two-degree curve to the left seven hundred and ten feet to station seven thousand two hundred and sixty-two plus eighty-one; thence south seventy-seven degrees and forty-four minutes west one thousand seven hundred and thirty feet to station seven thousand two hundred and eighty plus eleven; thence on a five-degree curve to the right one thousand five hundred and twenty-seven feet to station seven thousand two hundred and ninety-five plus thirty-eight; thence north twenty-five degrees and fifty-four minutes west one thousand two hundred and thirty-eight feet to station seven thousand three hundred and seven plus seventy-six; thence on a two-degree curve to the left seven hundred and forty-eight feet to station

seven thousand three hundred and fifteen plus twenty-four; thence north forty degrees and fifty-two minutes west one thousand six hundred and eighty feet to station seven thousand three hundred and thirty-two plus four; thence on a one-degree curve to the right three hundred and twenty feet to station seven thousand three hundred and thirty-five plus twenty-four; thence north thirty-seven degrees and forty minutes west two thousand five hundred and ninety-nine feet to station seven thousand three hundred and sixty-one plus twenty-three; thence on a three-degree curve to the left seven hundred and forty-one feet to station seven thousand three hundred and sixty-eight plus sixty-four; thence north fifty-nine degrees and fifty-three[minutes] west two thousand seven hundred and twenty-one feet to station seven thousand three hundred and ninety-five plus eighty-five; thence on a four-degree curve to the right six hundred and ninety-two feet to station seven thousand four hundred and two plus seventy-seven; thence north thirty-two degrees and thirteen minutes west three hundred feet to station seven thousand four hundred and five plus seventy-seven; thence on a five-degree curve to the left six hundred and forty-five feet to station seven thousand four hundred and twelve plus twenty-two; thence north sixty-four degrees and twenty-seven minutes west three hundred and seventy-six feet to station seven thousand four hundred and fifteen plus ninety-eight; thence on a five-degree curve to the right four hundred and forty-seven feet to station seven thousand four hundred and twenty plus forty-five; thence north forty-two degrees and six minutes west seven hundred and sixty feet to station seven thousand four hundred and twenty-eight plus five; thence on a five-degree curve to the right one thousand and seventy-two feet to station seven thousand four hundred and thirty-eight plus seventy-seven; thence north eleven degrees and thirty-one minutes east eight hundred and twenty-six feet to station seven thousand four hundred and forty-seven plus three; thence on a three-degree curve to the right four hundred and ninety-three feet to station seven thousand four hundred and fifty-one plus ninety-six; thence north twenty-six degrees and eighteen minutes east five hundred and thirty-two feet to station seven thousand four hundred and fifty-seven plus twenty-eight; thence on a five-degree curve to the left five hundred and sixty-nine feet to station seven thousand four hundred and sixty-two plus ninety-seven; thence north two degrees and nine minutes west six hundred and forty-eight feet to station seven thousand four hundred and sixty-nine plus forty-five; thence on a three-degree curve to the left four hundred and sixty-five feet to station seven thousand four hundred and seventy-four plus ten; thence north sixteen degrees and six minutes west one thousand one hundred and ninety-two feet to station seven thousand four hundred and eighty-six plus two; thence on a four-degree curve to the right five hundred and sixty-nine feet to station seven thousand four hundred and ninety-one plus seventy-one; thence north six degrees and thirty-nine minutes east one hundred and fifty-six feet to station seven thousand four

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hundred and ninety-three plus twenty-seven; thence on a four-degree curve to the left eight hundred and ninety-five feet to station seven thousand five hundred and two plus twenty-two; thence north twenty-nine degrees and ten minutes west (at seven hundred and seventy-eight feet intersecting the boundary line between Stanislaus and San Joaquin Counties) one thousand six hundred and fourteen feet to station seven thousand five hundred and eighteen plus thirty-six; thence on a three-degree curve to the left five hundred and sixty-four feet to station seven thousand five hundred and twenty-four; thence north forty-six degree and five minutes west five hundred and sixty-five feet to station seven thousand five hundred and twenty-nine plus sixty-five; thence on a four-degree curve to the left seven hundred and seventy feet to station seven thousand five hundred and thirty-seven plus thirty-five; thence north seventy-six degrees and fifty-two minutes west two hundred and twenty-five feet to station seven thousand five hundred and thirty-nine plus sixty; thence on a five-degree curve to the right seven hundred and seventy-three feet to station seven thousand five hundred and forty-seven plus thirty-three; thence north thirty-eight degrees and fourteen minutes west three hundred and ninety-nine feet to station seven thousand five hundred and fifty-one plus thirty-two; thence on a two-degree curve to the right nine hundred and fifty-two feet to station seven thousand five hundred and sixty plus eighty-four; thence north nineteen degrees and twelve minutes west (at five hundred and sixteen feet intersecting the line between townships three and four south, range six east, three thousand seven hundred feet west of the corner of sections thirty-three, thirty-four, three, and four) five hundred and ninety-one feet to station seven thousand five hundred and sixty-six plus seventy-five; thence on a two-degree curve to the left six hundred and seventy-nine feet to station seven thousand five hundred and seventy-three plus fifty-four; thence north thirty-two degrees and forty-seven minutes west two thousand four hundred and forty feet to station seven thousand five hundred and ninety-seven plus ninety-four; thence on a one-degree curve to the left four hundred and eighty-two feet to station seven thousand six hundred and two plus seventy-six; thence north thirty-seven degrees and thirty-six minutes west two thousand two hundred and fifty-four feet to station seven thousand six hundred and twenty-five plus thirty; thence on a two-degree curve to the left eight hundred and eighty-five feet to station seven thousand six hundred and thirty-four plus fifteen; thence north fifty-five degrees and eighteen minutes west one thousand one hundred and four feet to station seven thousand six hundred and forty-five plus nineteen; thence on a one-degree curve to the left one thousand and five feet to station seven thousand six hundred and fifty-five plus twenty-four; thence north sixty-five degrees and twenty-one minutes west one thousand eight hundred and fifty-seven feet to station seven thousand six hundred and seventy-three plus eighty-one; thence on a two-degree curve to the right seven hundred and eighty-five feet to station



seven thousand six hundred and eighty-one plus sixty-six; thence north eighty-one degrees and three minutes west (at four thousand one hundred and thirty-four feet intersecting the line between townships three south, ranges five and six east, two thousand one hundred and sixty feet south of the corner of sections twenty-four, twenty-five, nineteen, and thirty) six thousand four hundred and fifty-three feet to station seven thousand seven hundred and forty-six plus nineteen; thence on a two-degree curve to the right one thousand two hundred and forty-seven feet to station seven thousand seven hundred and fifty-eight plus sixty-six; thence north fifty-six degrees and seven minutes west two thousand and six feet to station seven thousand seven hundred and seventy-eight plus seventy-two; thence on a thirty-minute curve to the left eight hundred and thirty feet to station seven thousand seven hundred and eighty-seven plus two; thence north sixty degrees and sixteen minutes west two thousand eight hundred and seventy-five feet to station seven thousand eight hundred and fifteen plus seventy-seven; thence on a one-degree curve to the left seven hundred and eighty-six feet to station seven thousand eight hundred and twenty-three plus sixty-three; thence north sixty-eight degrees and eight minutes west one thousand eight hundred and twenty-nine feet to station seven thousand eight hundred and forty-one plus ninety-two; thence on a one-degree curve to the right eight hundred and ninety-five feet to station seven thousand eight hundred and fifty plus eighty-seven; thence north fifty-nine degrees and eleven minutes west eight hundred and eighty-four feet to station seven thousand eight hundred and fifty-nine plus seventy-one; thence on a two-degree curve to the left seven hundred and eighty-seven feet to station seven thousand eight hundred and sixty-seven plus fifty-eight; thence north seventy-four degrees and fifty-five minutes west one thousand and fifty-nine feet to station seven thousand eight hundred and seventy-eight plus seventeen; thence on a two-degree and thirty-minute curve to the right two thousand five hundred and eighty-seven feet to station seven thousand nine hundred and four plus four; thence north ten degrees and twenty minutes west five thousand nine hundred and seventy-two feet to station seven thousand nine hundred and sixty-three plus seventy-six; thence on a four-degree curve to the left one thousand four hundred and twenty-three feet to station seven thousand nine hundred and seventy-seven plus ninety-nine; thence north sixty-seven degrees and fifteen minutes west two thousand and thirty-seven feet to station seven thousand nine hundred and ninety-eight plus thirty-six; thence on a two-degree curve to the right seven hundred and eighteen feet to station eight thousand and five plus fifty-four; thence north fifty-two degrees and fifty-three minutes west three hundred and twenty-nine feet to station eight thousand and eight plus eighty-three; thence on a two-degree curve to the left eight hundred and eighteen feet to station eight thousand and seventeen plus one; thence north sixty-nine degrees and fifteen minutes west eight hundred and ninety-nine feet to station eight thousand

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and twenty-six; thence on a two-degree curve to the left eight hundred and five feet to station eight thousand and thirty-four plus five; thence north eighty-five degrees and twenty-one minutes west eight hundred and ninety-five feet to station eight thousand and forty-three; thence on a three-degree curve to the right nine hundred and fifty-four feet to station eight thousand and fifty-two plus fifty-four; thence north fifty-six degrees and forty-four minutes west two thousand three hundred and five feet to station eight thousand and seventy-five plus fifty-nine; thence on a five-degree curve to the left one thousand one hundred and fifty-eight feet to station eight thousand and eighty-seven plus seventeen; thence south sixty-five degrees and twenty-three minutes west four hundred and five feet to station eight thousand and ninety-one plus twenty-two; thence on a five-degree curve to the right nine hundred and ninety-nine feet to station eight thousand one hundred and one plus twenty-one; thence north sixty-four degrees and thirty-nine minutes west three thousand and sixteen feet to station eight thousand one hundred and thirty-one plus thirty-seven; thence on a three-degree curve to the right four hundred and eighty-seven feet to station eight thousand one hundred and thirty-six plus twenty-four; thence north fifty degrees and two minutes west three hundred feet to station eight thousand one hundred and thirty-nine plus twenty-four; thence on a three-degree curve to the left one thousand ninety-three feet to station eight thousand one hundred and fifty plus seventeen; thence north eighty-two degrees and fifty minutes west (at one hundred and eighty-three feet intersecting the line between townships three south, ranges four and five east, two thousand three hundred and eighty feet south of the northwest corner of township three south, range five east) three hundred eighty feet to station eight thousand one hundred and fifty-three plus ninety-seven; thence on a four-degree curve to the right one thousand three hundred and seventy feet to station eight thousand one hundred and sixty-seven plus sixty-seven; thence north twenty-eight degrees and two minutes west (at three hundred and sixty-three feet intersecting the line between townships two and three south, range four east, one thousand four hundred and eighty feet west of the eastern boundary of said townships) nine hundred and twenty-four feet to station eight thousand one hundred and seventy-six plus ninety-one; thence on a four-degree curve to the left one thousand one hundred and nineteen feet to station eight thousand one hundred and eighty-eight plus ten; thence north seventy-two degrees and forty-eight minutes west nine hundred and five feet to station eight thousand one hundred and ninety-seven plus fifteen; thence on a four-degree curve to the right five hundred and twenty-five feet to station eight thousand two hundred and two plus forty; thence north fifty-one degrees and forty-eight minutes west one thousand nine hundred and fifty-six feet to station eight thousand two hundred and twenty-one plus ninety-six; thence on a four-degree curve to the left seven hundred and twenty-three feet to

station eight thousand two hundred and twenty-nine plus nineteen; thence north eighty degrees and forty-three minutes west three hundred and eighty-six feet to station eight thousand two hundred and thirty-three plus five; thence on a four-degree curve to the right one thousand and forty-nine feet to station eight thousand two hundred and forty-three plus fifty-four; thence north thirty-eight degrees and forty-six minutes west two thousand three hundred and thirty-one feet to station eight thousand two hundred and sixty-six plus eighty-five; thence on a three-degree curve to the left six hundred and seventy-four feet to station eight thousand two hundred and seventy-three plus fifty-nine; thence north fifty-eight degrees and fifty-nine minutes west one thousand and seventy-seven feet to station eight thousand two hundred and eighty-four plus thirty-six; thence on a four-degree curve to the right seven hundred and seventy-seven feet to station eight thousand two hundred and ninety-two plus thirteen; thence north twenty-seven degrees and fifty-three minutes west five hundred and fourteen feet to station eight thousand two hundred and ninety-seven plus twenty-seven; thence on a five-degree curve to the left six hundred and fifty-five feet to station eight thousand three hundred and three plus eighty-two; thence north sixty degrees and thirty-seven minutes west one thousand eight hundred and twenty-seven feet to station eight thousand three hundred and twenty-two plus nine; thence on a five-degree curve to the right one thousand and fifty feet to station eight thousand three hundred and thirty-two plus fifty-nine; thence north eight degrees and eight minutes west two hundred and eighty-five feet to station eight thousand three hundred and thirty-five plus forty-four; thence on a four-degree curve to the left one thousand one hundred and thirty feet to station eight thousand three hundred and forty-six plus seventy-four; thence north fifty-three degrees and twenty minutes west eight hundred and fifty-one feet to station eight thousand three hundred and fifty-five plus twenty-five; thence on a three-degree curve to the right seven hundred and two feet to station eight thousand three hundred and sixty-two plus twenty-seven; thence north thirty-two degrees and seventeen minutes west four hundred and twenty-two feet to station eight thousand three hundred and sixty-six plus forty-nine; thence on a three-degree curve to the left six hundred and ninety-two feet to station eight thousand three hundred and seventy-three plus forty-one; thence north fifty-three degrees and three minutes west two thousand four hundred and fifty-six feet to station eight thousand three hundred and ninety-seven plus ninety-seven; thence on a two-degree curve to the right three hundred and forty-five feet to station eight thousand four hundred and one plus forty-two; thence north forty-six degrees and eight minutes west two thousand five hundred and thirty-eight feet to station eight thousand four hundred and twenty-six plus eighty; thence on a four-degree curve to the right three hundred and twenty feet to station eight thousand four hun-

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dred and thirty; thence north thirty-three degrees and nineteen minutes west three hundred and forty-three feet to station eight thousand four hundred and thirty-three plus forty-three; thence on an eight-degree curve to the right six hundred and twenty-six feet to station eight thousand four hundred and thirty-nine plus sixty-nine; thence north sixteen degrees and forty-five minutes east one hundred and fifty-two feet to station eight thousand four hundred and forty-one plus twenty-one; thence on an eight-degree curve to the left eight hundred and fifty-four feet to station eight thousand four hundred and forty-nine plus seventy-five; thence north fifty-one degrees and twenty-five minutes west one thousand nine hundred and fifty-nine feet to station eight thousand four hundred and sixty-nine plus thirty-four; thence on a four-degree curve to the right eight hundred and forty-four feet to station eight thousand four hundred and seventy-seven plus seventy-eight; thence north seventeen degrees and forty minutes west four hundred and sixty-one feet to station eight thousand four hundred and eighty-two plus thirty-nine; thence on an eight-degree curve to the right five hundred and twenty-seven feet to station eight thousand four hundred and eighty-seven plus sixty-six; thence north twenty-four degrees and thirty-one minutes east two hundred and twenty-nine feet to station eight thousand four hundred and eighty-nine plus ninety-five; thence on an eight-degree curve to the left eight hundred and sixty-eight feet to station eight thousand four hundred and ninety-eight plus sixty-three; thence north forty-four degrees and fifty-six minutes west one hundred and sixty-seven feet to station eight thousand five hundred plus thirty on the official boundary line between the Counties of San Joaquin and Alameda; thence leaving the line of the proposed canal and running along the said official boundary line north (at one hundred and forty-six and eighty-eight one-hundredths chains intersecting the line between townships one and two south, range four east, thirty-one and sixty-six one-hundredths chains west of the corner of sections thirty-two, thirty-three, four, and five, and at one hundred and sixty-six and eighty-eight one-hundredths chains intersecting the exterior boundary of the Rancho El Pescadero) two hundred and forty-six and eighty-eight one-hundredths chains to the point of beginning, is hereby created an irrigation district, to be called West Side Irrigation District, for the purpose of providing for the irrigation of the land lying in said district by a canal, to be constructed from Tulare Lake on the south, and extending northwesterly to a point where the said center line, as above described, intersects the county boundary line between the Counties of San Joaquin and Alameda. Nothing contained in this Act shall be held or deemed to apply to or include that portion of said district lying and being within the following lines, to wit: A line running along and parallel with the canal of the San Joaquin and King's River Canal and Irrigation Company, and two hundred feet westerly therefrom, from the commencement of the said canal at the San Joaquin River, and

Purpose of.

Provisions of  
Act not ap-  
plicable to  
certain land.

running to the Orestimba Creek, and all the land lying easterly of said line between said Orestimba Creek and said point of commencement. Said district shall consist of five divisions. The portion thereof within the County of San Joaquin shall constitute the first division; the portion within the County of Stanislaus, lying north of the Orestimba Creek, the second division; the portion within the Counties of Stanislaus and Merced, lying south of said Orestimba Creek and north of the San Luis Creek, the third division; the portion within the County of Merced, lying south of said San Luis Creek, the fourth division; and the portion within Fresno County, the fifth division.

Divisions defined.

SEC. 2. Within ten days after the passage of this Act the Governor shall appoint five Commissioners, one of whom shall be a resident of each division of said district, to perform the duties herein prescribed until their successors are elected and qualified. They shall each forthwith take and subscribe the official oath and file the same in the office of the Secretary of State. They shall meet at Grayson, in the County of Stanislaus, at which place the offices of all the officers elected under this Act shall be kept, organize as a Board, which shall be called Board of Commissioners of the "West Side Irrigation District," elect a President from their number, and appoint a Secretary, and shall keep a record of their proceedings. The Board shall locate said canal on the following line, viz.: The center line of the proposed canal as described in section first of this Act, or as near thereto as may be consistently with the selection of the most advantageous line within said district, and shall retain a map of such location in their office, and file a copy in the office of the Secretary of State. In locating the canal the Board may employ engineers, who shall survey and plat on said map the exterior lines of the district, and the exterior lines of the several divisions of the district.

Appointment of Commissioners.

Location of canal.

SEC. 3. An election shall be held in the district on the first Tuesday in May, eighteen hundred and seventy-eight, and on the first Tuesday in May of each second year thereafter, at which an Assessor, a Tax Collector, and a Treasurer, and five Commissioners for the district shall be elected. Not more than one of said Commissioners shall be a resident of the same subdivision of said irrigation district. The qualified electors of said district may vote at all district elections in the division where they reside. The person receiving the highest number of votes for any office to be filled at such election is elected thereto. If at any election two or more persons receive an equal and the highest number of votes, there is no choice, and a special election to fill the office must be ordered by the Board of Commissioners. Said officers shall serve for two years from the first Tuesday in June succeeding their election, and until their successors are elected and qualified. Within ten days after receiving their certificates of election, hereinafter provided for, they shall take and subscribe the official oath and file the same in the office of the Board of Commissioners. Officers elected at special elections shall hold their office until the next regular

Election of certain officers.

election, and until their successors are elected and qualified. The Assessor shall execute an official bond in the sum of ten thousand dollars, and the Tax Collector an official bond in the sum of fifteen thousand dollars, and the District Treasurer an official bond in the sum of fifty thousand dollars, to be approved by the Board of Commissioners; and each of said Commissioners shall execute an official bond, with at least two sufficient sureties, in the sum of at least twenty-five thousand dollars each, which said bond shall be approved by the Governor and filed in the office of the Secretary of State. Said bonds shall be in the form prescribed by law for the official bonds for county officers.

**Official bonds.**

**Election precincts established.**

SEC. 4. The Board of Commissioners must establish a convenient number of election precincts in each division of the district, and define the boundaries thereof, and may from time to time change the boundaries of, create new, or consolidate established precincts.

**Election notice**

SEC. 5. Fifteen days before any election held under this Act, the Secretary of the Board of Commissioners shall cause notices to be posted in three public places in each election precinct of the time and place of holding the election, and shall also post a general notice of the same, specifying the polling places of each precinct, in the office of the Board, and shall file an affidavit of the day and place of posting such notices, and such affidavit shall be prima facie evidence of that fact. Prior to the time for posting the notices the Board must appoint for each precinct, from the electors thereof, one Inspector and two Judges, who shall constitute a Board of Election for such precinct. If the Board fail to appoint a Board of Election, or the members appointed do not attend at the opening of the polls on the morning of the election, the electors of the precinct present at that hour may appoint a Board or supply the place of an absent member thereof. The Board must, in its order appointing Boards of Election, designate the house or place within the precinct where the election must be held.

**Election officers appointed.**

**Powers of Inspector.**

SEC. 6. The Inspector is Chairman of the Election Board, and may—

*First*—Administer all oaths required in the progress of an election.

*Second*—Appoint Judges and Clerks if, during the progress of any election, any Judge or Clerk ceases to act.

**Clerks of Election.**

Any member of the Board, or any Clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The Board of Election for each precinct must, before opening the polls, appoint two persons to act as Clerks of Election. Before opening the polls, each member of the Board and each Clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at one hour after sunrise on the morning of the election, and must be kept open until sunset, when the same must be closed. The provisions of the Political Code concerning the registra-

**Polls; when opened and closed.**

tion of electors, and the form of ballots to be used at elections, shall not apply to elections held under this Act.

SEC. 7. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain open, and shall be conducted, as nearly as practicable, in accordance with the provisions of Chapter Nine, of Title Two, of Part Three, of the Political Code of this State. As soon as the polls are closed the Judges shall open the ballot-box and commence counting the votes, and in no case shall the ballot-box be removed from the room in which the election is held until all the ballots are counted. The counting of ballots shall, in all cases, be public. The ballots shall be taken out one by one by the Inspector, or one of the Judges, who shall open them and read aloud the name of each person contained therein, and the office for which every such person is voted for. Each Clerk shall write down each office to be filled, and the name of each person voted for for such office, and shall keep the number of votes by tallies, as they are read aloud by the Inspector or Judge. The counting of votes shall be continued without adjournment until all are counted.

Political Code made applicable.

Manner of counting ballots

SEC. 8. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each person voted for has received, and designating the office to fill which he was voted for, which number shall be written in words at the full length. Each certificate shall be signed by the Clerks, the Judges, and Inspector. One of said certificates, with the poll list and tally paper to which it is attached, shall be retained by the Inspector and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the Inspector during the counting of the ballots, in the order in which they are entered upon the tally list by the Clerks, and said ballots, together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed up by the Inspector, in the presence of the Judges and Clerks, and indorsed "Election Returns," and be directed and delivered or sent by the Inspector to the Secretary of the Board of Commissioners, and the ballots shall be kept for at least six months; and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the Board to open the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

Certificate to be drawn up.

Ballots; where forwarded to.

SEC. 9. No list, tally paper, or certificate returned from any election must be set aside or rejected for want of form if it can be satisfactorily understood. The Board of Commissioners must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If at the time of meeting the returns from each precinct in the district in which polls were opened have been received, the Board must then and there proceed to canvass the returns, but if all the returns have not been received, the canvass must be postponed from day to day until all the returns are

Canvassing of returns; how made.

Code of Civil  
Procedure  
made ap-  
plicable.

Statement of  
Secretary  
must show.

Powers and  
duties of  
Board.

Meetings of  
Board.

received, or until six postponements have been had. The canvass must be made in public, and by opening the returns and estimating the vote of the district or division for each person voted for, and declaring the result thereof. The provisions of the Code of Civil Procedure of this State relating to contested elections, shall apply to all officers elected under this Act in the same manner as in the case of a contest with respect to the election of any county officer.

SEC. 10. The Secretary of the Board must, as soon as the result is declared, enter on the records of such Board a statement of such result, which statement must show:

*First*—The whole number of votes cast in the district.

*Second*—The names of the persons voted for.

*Third*—The office to fill which each person was voted for.

*Fourth*—The number of votes given at each precinct to each of such persons.

*Fifth*—The number of votes given in the district to each of such persons. The Board must declare elected the person having the highest number of votes given for each office to be filled by the votes of the district, or of a division thereof. The Secretary must immediately make out and deliver to such person a certificate of election signed by him and authenticated as the Board may direct. In case of a vacancy in the office of Assessor, Tax Collector, Treasurer, or Commissioner, the Board must order a special election to fill such vacancy. Notice of such election must be given in the same manner as is provided for regular elections, and the officer so elected shall hold his office until the next regular election, and until his successor is elected and qualified.

SEC. 11. On the first Tuesday in June ensuing their election, the Commissioners shall meet and organize as a Board, elect a President from their number, and appoint a Secretary. The Board must manage and conduct the business and affairs of the district, make and execute all necessary contracts, employ and appoint such agents, officers, and employes as may be required, and prescribe their duties, fix the rate and price of water for irrigation and other purposes, establish equitable by-laws, rules, and regulations for the distribution and use of water among owners of said lands, and generally perform all such acts as shall be necessary to fully carry out the objects and purposes of this Act. The said by-laws, rules, and regulations, rates, and price of water for irrigation and other uses, must be printed in convenient form for distribution in the district; *provided*, that the Commissioners elected at the first election shall meet and organize as a Board, elect a President from their number, and appoint a Secretary, within ten days after receiving their certificates of election.

SEC. 12. The Board shall hold a regular monthly meeting in their office on the first Tuesday of each month. Three members of the Board shall constitute a quorum for business, but on all questions requiring a vote there shall be a concurrence of three members of said Board. All records of the Board shall be open to the inspection of any elector during business hours. The Board shall have the



right to enter upon any land in the district to make surveys, and may locate said canal, and the necessary branches of the same, on any of said lands which may be deemed best for such location. It shall also have the right to acquire all lands, water, and other property necessary for the irrigation of said district, or for the construction, use, supply, maintenance, repair, and improvement of said canal and works, including canals and works constructed and being constructed within the district created by this Act, lands for reservoir, tide, or branch canals, and other works necessary for the protection of said canal, and for ways for the discharge or use of surplus water, either by purchase or condemnation; and in case of purchase, the bonds of the district hereinafter mentioned may be used at their par value in payment; and in case of condemnation, the Board shall proceed under the provisions of Title Seven, of Part Three, of the Code of Civil Procedure.

Certain rights given to Board.

SEC. 13. The legal title to all property acquired under the provisions of this Act shall immediately, and by operation of law, rest in the State of California, and shall be held by said State in trust for and is hereby dedicated and set apart to the uses and purposes set forth in this Act, and said Board is hereby authorized and empowered to hold, use, and acquire, manage, occupy, and possess said property, as herein provided. And said Board is fully authorized and empowered to use the name of the State of California in any action or proceeding, and to institute, carry on, and maintain, in the name of said Board, any action or proceeding which could be instituted, maintained, or carried on by said State, in regard to said property, and in any such action or proceeding brought in the name of said Board of Commissioners, the same shall proceed and be determined in all respects as though said Board were the legal owner of said property; *provided*, that in no case shall the State become liable for any cost incurred in such actions. In no event shall the State of California be liable or in any way responsible for any debt or liability incurred by the irrigation district herein provided for.

Board authorized to hold and use certain property.

State not liable.

SEC. 14. The said Board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this Act, in the name of the State of California, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper, in order to fully carry out the provisions of this Act, or to enforce, maintain, protect, or preserve any and all rights, privileges, and immunities created by this Act, or acquired in pursuance thereof; and in all Courts, actions, suits, or proceedings, the said Board may sue, appear, and defend in person or by attorneys, and by the name and style of Board of Commissioners of the West Side Irrigation District.

Board authorized to take conveyances.

SEC. 15. The Board may construct the necessary dams, reservoirs, and works to collect water for said district and for the purposes specified in this Act, and two thousand cubic feet per second of the water of Tulare Lake and fifty

Amount of water granted for use of district.

cubic feet per second of the water of the San Joaquin River, and as much more of the water of said San Joaquin River as may not at any time be otherwise appropriated, and the right to take, divert, and use the same for said purposes is hereby granted, dedicated, and set apart, and said Board is hereby authorized to apply to the Congress of the United States for a grant, and for the passage of a law confirming to the State of California, for the uses and purposes aforesaid, all the rights, privileges, and property mentioned in this Act.

Issuance  
of bonds  
authorized.

SEC. 16. For the purpose of constructing said canal and works, and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this Act, the Board of Commissioners is hereby authorized to issue and sell the bonds of said district for an amount not exceeding the sum of two million dollars, payable in twenty years, in gold coin of the United States, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the office of the Treasurer of the State of California. Said bonds shall each be payable in the sum of five hundred dollars, shall be signed by the President and Secretary, and said bonds shall be authenticated in such manner and by such device as shall be determined and provided by said Board. They shall be numbered consecutively as issued, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the Secretary. Said bonds shall express on their face that they are issued by authority of this Act, stating its title and date of approval. And said bonds shall express on the face thereof that the State of California is not responsible for either the principal or interest thereof.

Denomina-  
tion.

Interest  
coupons.

Duty of  
Secretary

SEC. 17. The Secretary shall keep a record of the bonds sold, their number, the date of sale, the price received, and the name of the purchaser; *provided*, that nothing in this Act shall be so construed as to render the State liable for the payment of said bonds.

Sale of  
bonds.

SEC. 18. The Board may sell said bonds, from time to time, in such quantities as may be necessary to raise money for the construction of said canal and works, the acquisition of said property and rights, and otherwise to fully carry out the objects and purposes of this Act. Before making any sale the Board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least twenty days in a daily newspaper published in each of the cities of San Francisco, Sacramento, and Stockton, and in any other newspaper, at their discretion. The notice shall state that sealed proposals will be received by the Board, at their office, for the purchase of the bonds till the day and hour named in the resolution. At the time appointed the Board shall open the proposals and award the purchase of the bonds to the highest responsible bidder, and may reject all bids. The Board may sell bonds at not less than their par value, with-

out notice as herein provided; *provided*, that no bonds shall be sold for a less sum than ninety cents on the dollar. The proceeds of the sale of bonds, to be called the "Construction Fund," shall be deposited with and be safely kept with the Treasurer of the State, and paid out only as hereinafter provided, but the State shall not be liable for the payment of any of said bonds.

SEC. 19. Said bonds and the interest thereon shall be paid by a revenue derived from an annual tax upon the property in the district, and all the property in the district shall be and remain liable to be taxed for such payment, as hereinafter provided. Bonds and interest; how paid.

SEC. 20. The Assessor must, between the first Monday in March and the first Monday in June in each year, ascertain the names of taxable inhabitants and all property in the district subject to taxation, and must assess such property to the persons who own, claim, have the possession or control thereof, at its full cash value. He must prepare an assessment book, with appropriate headings, in which must be listed all property within the district, in which must be specified, in separate columns, under the appropriate head; *provided*, that for the year eighteen hundred and seventy-eight the Assessor shall have until the first Monday in July in which to make the assessment: Duty of Assessor.

*First*—The name of the person to whom the property is assessed. If the name is not known to the Assessor the property shall be assessed to "unknown owners." Assessment book must show.

*Second*—Land by township, range, section, or fractional section, and when such land is not a Congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, locality, and the improvements thereon.

*Third*—City and town lots, naming the city or town, and the number and block, according to the system of numbering in such city or town, and by metes and bounds, and the improvements thereon.

*Fourth*—All personal property, showing the number, amount, kind, and quality.

*Fifth*—The cash value of real estate, other than city or town lots.

*Sixth*—The cash value of improvements on such real estate.

*Seventh*—The cash value of city and town lots.

*Eighth*—The cash value of improvements on city and town lots.

*Ninth*—The cash value of improvements on real estate assessed to persons other than the owners of the real estate.

*Tenth*—The cash value of all personal property, exclusive of money.

*Eleventh*—Amount of money.

*Twelfth*—The total value of all property.

*Thirteenth*—The total value of all property after equalization by the Board of Commissioners.

*Fourteenth*—Such other things as the Board of Commissioners may require.

Deputies  
allowed.

Compensa-  
tion.

Board of  
Equaliza-  
tion.

SEC. 21. The Board of Commissioners must allow the Assessor so many deputies, to be appointed by him, as will, in the judgment of the Board, enable him to complete the assessment within the time herein prescribed. The Board must fix the compensation of such deputies, which shall be paid out of the treasury of the district. The compensation must not exceed five dollars per day for each deputy for the time actually engaged, nor must any allowance be made but for work done between the first Monday in March and the first Monday in August of each year.

SEC. 22. On or before the first Monday in August in each year, the Assessor must complete his assessment book and deliver it to the Secretary of the Board, who must immediately give notice thereof, and of the time the Board of Commissioners, acting as a Board of Equalization, will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty nor more than thirty days from the first publication of the notice, and in the meantime the assessment book must remain in the office of the Secretary for the inspection of all persons interested.

SEC. 23. Upon the day specified in the notice required by the preceding section for the meeting, the Board of Commissioners, which is hereby constituted a Board of Equalization for that purpose, shall meet and continue in session from day to day as long as may be necessary, not to exceed thirty days, exclusive of Sundays, to hear and determine such objections to the valuation and assessment as may come before them; and the Board may change the valuation as may be just. The Secretary of the Board shall be present during its sessions, and note all changes made in the valuation of property, and in the names of persons whose property is assessed; and within ten days after the close of the session, he shall have the total values, as finally equalized by the Board, extended into columns and added up. In case the valuation of any lands is increased, the Board shall cause its Secretary to immediately give written notice of such increased valuation to the owner of such lands, either by delivering the same to such owner personally, or by depositing it in the mail, postage paid, addressed to such owner.

Interest tax.

SEC. 24. The Board of Commissioners shall then levy a tax sufficient to raise the annual interest on the outstanding bonds, and at the expiration of ten years after the issuing of the bonds the Board must increase said tax for the ensuing ten years in the following percentage of the principal of the whole amount of bonds, to wit: For the eleventh year, five per cent.; for the twelfth year, six per cent.; for the thirteenth year, seven per cent.; for the fourteenth year, eight per cent.; for the fifteenth year, nine per cent.; for the sixteenth year, ten per cent.; for the seventeenth year, eleven per cent.; for the eighteenth year, thirteen per cent.; for the nineteenth year, fifteen per cent.; and for the twentieth year, a percentage sufficient to pay off said bonds. The Secretary of the Board must compute, and enter in a separate money

column in the assessment book, the respective sums, in dollars and cents, to be paid as a tax on the property therein enumerated. When collected, the tax shall be paid into the State treasury, and shall constitute a special fund, to be called the "Bond Fund of the West Side Irrigation District."

SEC. 25. The tax due upon real property is a lien against the property assessed, and the tax due upon the personal property is a lien upon the real property of the owner thereof, from and after the time the same becomes delinquent; and such lien is not removed until the taxes are paid or the property sold for the payment thereof.

Tax to become a lien.

SEC. 26. On or before the first day of November, the Secretary must deliver the assessment book to the Tax Collector of the district, who shall, within twenty days, publish a notice in a newspaper published in each of the counties comprising the district, that said taxes are due and payable, and will become delinquent on the thirty-first day of December next thereafter, and that unless paid prior thereto three per cent. will be added to the amount thereof, and also the time and place at which payment of taxes may be made. The notice shall also specify a time and place within each division of the district when and where the Collector will attend to receive payment of taxes, and shall be published for fifteen days, and printed copies of said notice shall be posted for the same time in three public places in each division. The Tax Collector must attend at the time and place specified in the notice to receive taxes, which must be paid in gold and silver coin. He must mark the date of the payment of any tax in the assessment book opposite the name of the person paying, and give a receipt to such person, specifying the amount of the assessment and the tax paid, with a description of the property assessed. On the thirty-first day of December of each year, all unpaid taxes are delinquent, and thereafter the Tax Collector must collect thereon for the use of the district an addition of three per cent.

Duty of Tax Collector.

Taxes; when delinquent.

SEC. 27. On or before the first day of February the Tax Collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of the taxes and costs due opposite each name and description, with the taxes due on personal property added to the taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person. He must append and publish with the delinquent list a notice that, unless the taxes delinquent, together with the costs and percentage, are paid, the real property upon which such taxes are a lien will be sold at public auction. The publication must be made once a week for three successive weeks in a newspaper published in each of the counties comprised in the district. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place must be at some point designated by the Tax Collector in the subdivision in which the property is situated.

Publication of delinquent list.

Time of sale.

SEC. 28. The Collector must collect, in addition to the

Additional collection.

Sale of  
delinquent  
property.

taxes due on the delinquent list, and three per cent. added thereto, fifty cents on each lot, piece, or tract of land separately assessed, and on each assessment of personal property, one-half of which must go to the district, and the other to the Collector in full for preparing the list. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the Collector, between the hours of ten o'clock A. M. and three P. M., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically or in numerical order of the lots and blocks until completed. He may postpone the day of commencing the sales, or the sale from day to day, but the sale must be completed within three weeks from the date first fixed.

Owner may  
designate  
amount to  
be sold.

SEC. 29. The owner or person in possession of any real estate offered for sale for taxes due thereon may designate, in writing, to the Tax Collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the taxes and costs due, including two dollars to the Collector for the duplicate certificate of sale, is the purchaser. If the purchaser does not pay the taxes and costs before ten o'clock A. M. the following day, the property on next sale day, before the regular sale, must be resold for the taxes and costs. After receiving the amount of the taxes and costs, the Collector must make out, in duplicate, a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and the year of the assessment, and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the Collector, and one copy delivered to the purchaser and the other filed in the office of the County Recorder.

Collector to  
enter de-  
scription of  
land sold in  
a book.

SEC. 30. The Collector, before delivering any certificate, must, in a book, enter a description of the land sold, corresponding with the description in the certificate, the date of sale, purchaser's name, and amount paid, regularly numbering the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use. On filing the certificate with the County Recorder, the lien of the tax vests in the purchaser, and is only divested by payment to him, or to the Tax Collector for his use, of the purchase money and two per cent. per month from the day of sale until redemption.

Redemption  
of property  
sold may be  
made.

SEC. 31. A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of purchase. Redemption must be made in gold or silver coin, as provided for the collection of State and county taxes, and when made to the Collector he must audit the amount paid to the person named in the certifi-

cate, and pay it on demand to the person or his assignees. In each report the Collector makes to the Board of Commissioners, he must name the person entitled to redemption money, and the amount due to each. On receiving the certificate of sale, the County Recorder must file it, and make an entry in a book similar to that required of the Collector. On the presentation of the receipt of the person named in the certificate, or of the Collector for his use, of the total amount of the redemption money, the Recorder must mark the word "redeemed," the date, and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within twelve months from the sale, the Collector, or his successor in office, must make to the purchaser or his assignee a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The Collector shall receive from the purchaser, for the use of the district, two dollars for making such deed.

SEC. 32. The matter recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or approved is prima facie evidence that:

- First*—The property was assessed as required by law.
- Second*—The property was equalized as required by law.
- Third*—The taxes were levied in accordance with law.
- Fourth*—The taxes were not paid.
- Fifth*—At a proper time and place the property was sold as prescribed by law, and by the proper officer.
- Sixth*—The property was not redeemed.
- Seventh*—The person who executed the deed was the proper officer.

*Eighth*—Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings, from the assessment by the Assessor, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein, free of all incumbrances, except when the land is owned by the United States or this State, in which case it is prima facie evidence of the right of possession.

SEC. 33. The assessment book or delinquent list, or a copy thereof certified by the Tax Collector, showing unpaid taxes against any person or property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid, and that all the forms of the law in relation to the assessment and levy of such taxes have been complied with.

SEC. 34. The Tax Collector may, after the first Monday in February of each year, collect the tax due on personal property, except when the real estate is liable therefor, by seizure and sale of any personal property owned by the delinquent. The sale must be at public auction, and of sufficient amount

Deed is  
prima facie  
evidence  
of what.

Assessment  
book, evi-  
dence of  
what.

Collection of  
tax may be  
made; how.

to pay the taxes, percentage, and costs. The sale must be made after one week's notice of the time and place thereof, given by posting in three public places. For seizing or selling personal property, the Tax Collector may charge, in each case, the sum of three dollars, for the benefit of the district, and mileage at the rate of twenty cents per mile. On payment of the price bid for any property sold, the delivery thereof, with a bill of sale, vests the title thereto in the purchaser. All excess over the taxes, per cent., and costs of the proceedings of any such sale, must be returned to the owner of the property sold, and until claimed must be deposited in the treasury of the district, subject to the order of the owner, his heirs or assigns. The unsold portion of any property may be left at the place of sale at the risk of the owner.

Surplus to  
be returned  
to owner.

Interest.

Validity of  
sale not  
affected by  
mistakes.

Duty of Tax  
Collector.

SEC. 35. Interest at the rate of one per cent. per month must be collected on all delinquent taxes from the time they were first delinquent until paid. When land is sold for taxes correctly imposed, as the property of a particular person, no misnomer of the owner, or supposed owner, or other mistake relating to the ownership thereof affects the sale, or renders it void or voidable.

SEC. 36. On the first Monday in each month the Tax Collector must settle with the Secretary of the Board for all moneys collected for taxes, and pay the same over to the State Treasurer, and within six days thereafter he must deliver to and file in the office of the Secretary a statement under oath showing:

*First*—An account of all his transactions and receipts since his last settlement.

*Second*—That all money collected by him as Tax Collector has been paid.

The Tax Collector shall also file in the office of the Secretary the receipt of the State Treasurer for the money so paid.

Redemption  
of bonds

SEC. 37. Upon the presentation of the coupons due to the State Treasurer he shall pay the same from said Bond Fund. Whenever, after ten years from the issue of said bonds, said fund shall amount to the sum of ten thousand dollars, the Board of Commissioners may direct the State Treasurer to pay such an amount of the said bonds as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for three weeks in some daily newspaper published in the City and County of San Francisco, and State Capital, for sealed proposals for the redemption of said bonds. Said proposals to be opened by the Board in open meeting at a time to be named in the notice, and the lowest bid for said bonds shall be accepted; *provided*, that no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided, said money shall be invested by the State Treasurer, under the direction of the Board, in United States gold interest-bearing bonds, or the bonds of the State, which shall be kept in said Bond Fund, and may be used to redeem said district bonds whenever the holders thereof may desire.



SEC. 38. After adopting a plan of said canal and works, divided into convenient sections, the Board of Commissioners shall give notice, by publication thereof not less than twenty days in one newspaper published in each of the counties comprising the district, and one daily newspaper in the City and County of San Francisco, and in such other newspapers as they may deem advisable, calling for bids for the construction of each separate section of the work so advertised, including the furnishing of any material required therefor, and that plans and specifications can be seen at the office of the Board, and that the Board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public, and as soon as convenient thereafter the Board shall let said work, either in sections or as a whole, but said canal and works shall be completed so that water can be carried to a point in said canal within twenty-five miles of Los Baños before work shall be commenced north of Los Baños. If there are two bids equally low, then and in that case if one of such bidders is a resident of the district he must have the preference. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the Board, payable to the State of California for the use of said district, for one-fourth the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the Chief Engineer, and be approved by the Board.

Advertisement to do work.

SEC. 39. No claim shall be paid by the State or District Treasurer until allowed by the Board, and only upon a warrant signed by the President and countersigned by the Secretary; *provided*, that the Board may draw, from time to time, from the Construction Fund, and deposit in the district treasury, such sums as shall be required to meet the current expenses of said canal and works; but there shall not be at any time more than fifty thousand dollars in the district treasury. The Board shall, at each regular meeting, ascertain the amount of money in the treasury of the district, and estimate, as near as may be, the amount required to meet all warrants to be presented before the next regular meeting, and shall then order the surplus, if any, to be paid to the State Treasurer; and said surplus shall be placed by him to the credit of the Bond Fund of the district. The Treasurer of the district shall report, in writing, to the Board each month the amount of money in the treasury, and amount of receipts for the month, and the amount and items of expenditures. Said report shall be filed with the Secretary of the Board.

Claims to be allowed by Board before paid.

Duty of District Treasurer.

SEC. 40. The cost and expense of purchasing and acquiring property, and constructing the works and improvements herein provided for, shall be wholly paid out of the Construction Fund. From time to time, as portions of said work

Expenses; how paid.

Disposition of water.

are so completed as to be put into convenient operation and use, the water mentioned in this Act shall be first applied to purposes of irrigation; and in making such application the Commissioners shall allow to the owners or possessors of all irrigable lands within the district such quantities of such water as shall be fair, equitable, and in proportion to their needs and requirements as such land owners or possessors. All water not needed for irrigation, or which can be applied to other purposes without interfering with or preventing the complete irrigation of all irrigable land in the district for which water is applied for, shall be used for and applied to such other purposes as the Commissioners may direct; and whenever it can be done, without failing to accommodate the necessities and requirements of irrigation, the Commissioners may sell the use of said water for manufacturing or other purposes. The Board may fix the rates and charges, and collect the same from all persons using said canal or works for irrigation and other purposes, subject, however, to the power of the Legislature to change, alter, or modify such water-rates and charges. The proceeds of collections made for water used for any other purpose than irrigation shall be deposited in the district treasury, and be applied:

Board to fix rates, etc.

Application of proceeds.

*First*—To the payment of the expenses of the care, operation, management, repair, and improvement of such portions of said canal and works as are completed and in use, including salaries of officers and employes.

*Second*—To the payment of the interest on said bonds; and  
*Third*—To the payment of the principal of the bonds.

If proceeds are insufficient, what then.

If said proceeds be insufficient to pay said expenses of care, operation, management, repair, and improvement, the Board of Commissioners may collect from persons using said water for irrigation such rates and charges as will suffice to pay said deficiency, charging each person benefited, as near as practicable, equally and uniformly, according to the water used; but shall, as near as practicable, only collect from irrigators sufficient revenue to pay said deficiency; and from time to time, as it deems best, the Board shall fix the amount of said charges upon irrigators so as to raise only the revenue aforesaid.

Power of Board to construct works; where.

SEC. 41. The Board of Commissioners shall have power to construct the said works across any stream of water, water-course, bay, street, avenue, or highway, railway, canal, ditch, or flume, which the route of said canal shall intersect or cross, in such manner as to afford security for life and property; but said Commissioners shall restore the same, when so crossed or intersected, to its former state, as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works shall unite with said Commissioners in forming said intersections and crossings, and grant the privilege aforesaid; and if such railroad company and said Commissioners, or the owners and controllers of the said property, thing, or franchise so to be crossed, cannot agree upon the amount to be paid therefor, or the points or the manner of said crossings or intersections,

the same shall be ascertained and determined in all respects as herein provided in respect to the taking of lands. The right of way is hereby given, dedicated, and set apart to locate, construct, and maintain said works over and through any of the swamp and overflowed lands belonging to this State, or any other lands which are now or may be the property of this State; and also there is given, dedicated, and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this State within the district, necessary for said purposes.

SEC. 42. The Commissioners shall each receive four dollars per day, and mileage at the rate of twenty cents per mile in attending meetings, and actual expenses paid while engaged in official business under the order of the Board. The Assessor shall receive a salary of twelve hundred dollars per annum, and the Tax Collector shall receive a salary of fifteen hundred dollars per annum for his services as Tax Collector, and the Treasurer shall receive one thousand dollars per annum, to be paid out of the treasury of the district.

Compensation of Commissioners.

SEC. 43. The cutting or willful damage of any canal, ditch, or other works of the district, or unauthorized taking of water therefrom, or the drainage of cesspools or other filth into such canal, ditch, or other works, is hereby declared to be a felony, punishable by a fine of not exceeding one thousand dollars, or by imprisonment in the State Prison not exceeding two years, or by both such fine and imprisonment, at the discretion of the Court.

Felony.

SEC. 44. If any Commissioner, or any other officer holding office under and by virtue of this Act, shall in any manner be interested, directly or indirectly, in any contract awarded, or to be awarded, by the Board, or in the profits to be derived therefrom, he shall be deemed guilty of a felony, and such conviction shall work a forfeiture of his office, and he shall be punished by imprisonment in the State Prison for a period of not less than one year nor more than five years.

Same.

SEC. 45. To facilitate the organization of the district, the Board of Commissioners are hereby authorized and empowered to borrow, upon the credit of the district, a sum not exceeding twenty-five thousand dollars, to be repaid out of any money realized from the first sale of bonds. The Commissioners and officers of the irrigation district herein provided for shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the bonds in this Act provided for; and any debt or liability in excess of said amount shall be and remain absolutely void.

Board authorized to borrow money.

SEC. 46. No Chinese labor shall be employed in the construction of any canal or ditch provided for in this Act.

No Chinese.

SEC. 47. This Act shall take effect from and after its passage.

CHAP. CCCXLVI.—*An Act to pay the claim of Mary M. Springer, widow and heir of Thomas A. Springer, late State Printer, deceased.*

[Approved March 23, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation authorized.

SECTION 1. The sum of seven thousand dollars is hereby appropriated out of any money in the General Fund, in the State treasury, to Mary M. Springer, widow and heir of Thomas A. Springer, late State Printer, deceased, for balance of a claim, unpaid, for State printing.

SEC. 2. The Controller of State is hereby directed to draw his warrant on the Treasurer of State, in favor of said Mary M. Springer, for the sum of seven thousand dollars, in payment of said claim, and the Treasurer of State is hereby directed to pay the same; *provided*, that this shall be in full compensation for all claims of the late Thomas A. Springer against the State of California, as State Printer.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXLVII.—*An Act ratifying and legalizing Reclamation District Number Fifty-four of this State, in Sacramento County, and the by-laws and proceedings thereof.*

[Approved March 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Organization of reclamation district legalized.

SECTION 1. The organization of Reclamation District Number Fifty-four, effected and adopted in the year eighteen hundred and sixty-five, and the reorganization thereof had and effected in the year eighteen hundred and sixty-eight, and the by-laws adopted in said district, and all elections of Trustees had therein subsequent to such organization, are approved, confirmed, and declared valid and binding in law, notwithstanding any defect or irregularity in such organization, elections, or adoption of by-laws; and the said district is declared to be a regular[ly] organized reclamation district of this State. The said district is situate on Sherman Island, in the County of Sacramento, and is embraced within the following boundaries, to wit: Commencing at the intersection of Sacramento River and Three-mile Slough, running thence down the bank of said slough to the San Joaquin River; thence down the San Joaquin River to the center of Mayberry Slough; thence up and along the center of said slough to its natural head; thence in a northwesterly direction to a stake on the bank of the Sacramento River, marked "fifty," and established by the County Surveyor of the County of Sacramento; thence up and along the Sacramento

Boundaries defined.

River to the place of beginning. The said lands embraced within said boundaries are declared to be Reclamation District Number Fifty-four of this State, and the said district, and the land owners therein, shall have the same power and authority as may from time to time be lawfully exercised by any reclamation district, and the land owners thereof, under the Political Code of this State.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCCXLVIII.—*An Act to establish Reclamation District Number Two Hundred and Fifty-two of this State, in Sacramento County.*

[Approved March 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That part of Sherman Island, in the County, of Sacramento, embraced within the following boundaries, to wit: Commencing at a point on the Sacramento River at the intersection of the west line of section thirty-two, in township three north, range two east, with said river; running thence south on said line to the center of Mayberry Slough; thence up and along the center of Mayberry Slough to the natural head thereof; thence in a northwesterly direction to a stake on the bank of the Sacramento River, established by the County Surveyor of said county, and marked "fifty;" thence down the Sacramento River to the place of beginning, is hereby constituted and declared to be a reclamation district of said State, to be known and designated as Reclamation District Number Two Hundred and Fifty-two.

Reclamation  
district  
declared.

SEC. 2. The lands embraced within said boundaries, and the owners thereof, shall hereafter, for all purposes of reclamation and of the protection of said lands from overflow by water, be a body politic and corporate under the name of Reclamation District Two Hundred and Fifty-two, under which name it may contract, sue and be sued, and possess, exercise, and enjoy all the powers which are now possessed or which may hereafter be possessed by any reclamation district formed under the general laws of this State. The duties and powers of the Trustees of said district shall be the same as are from time to time prescribed and conferred by the Political Code of this State on the Trustees of other reclamation districts.

Name and  
powers of  
district.

SEC. 3. The land owners of said district may, from time to time, adopt and amend by-laws for their government, in the manner prescribed in the Political Code.

SEC. 4. A. J. Bigelow, P. H. Boggs, and S. C. Hastings, are hereby appointed and declared to be the Trustees of said district. They shall hold their offices until the second Wednesday in January, eighteen hundred and seventy-nine, and

Trustees  
appointed.

until their successors are elected and qualified. On the second Wednesday in every month of January, the land owners in said district shall, in the manner provided in their by-laws, elect three Trustees for the government of the district and the management of its affairs.

Trustees  
may allow  
certain com-  
pensation.

SEC. 5. The Trustees of said district, in case they should use for the purposes of reclamation any work heretofore done, viz., since the fourteenth day of August, A. D. eighteen hundred and seventy-five, and for which no payment has been made, may, in their discretion, allow to the person who has done such work a fair and just compensation therefor, to be paid for it in the same manner as other work done for the district.

SEC. 6. Except as herein otherwise provided, said district and its officers shall be controlled by the Political Code of this State, and shall possess all the powers given by that Code to other reclamation districts and their officers.

SEC. 7. This Act shall be in force from and after its passage.

CHAP. CCCXLIX.—*An Act to ratify and confirm certain proceedings of the Board of Supervisors of the County of Tehama, in and about the construction of a bridge across the Sacramento River.*

[Approved March 25, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Certain  
orders, etc.,  
ratified.

SECTION 1. That all orders, resolutions, notices, advertisements, contracts, and proceedings, of every nature and kind whatsoever, of the Board of Supervisors of the County of Tehama, touching the erection, construction, and maintenance of a bridge across the Sacramento River, at the Town of Red Bluff, in said county, are hereby in all things ratified and confirmed as of the date when said several orders, resolutions, notices, advertisements, contracts, and proceedings were made or declared by said Board of Supervisors.

Warrants  
made good.

SEC. 2. That all warrants issued by and under the direction of said Board of Supervisors of Tehama County for the erection or construction of said bridge across the Sacramento River, or any part thereof, are hereby made good and valid obligations against said county, and shall be paid by said county as provided in said warrants, and the Board of Supervisors of said county are hereby authorized and directed to levy and collect the tax provided for by its existing orders and resolutions in that behalf.

Certain or-  
ders ratified.

SEC. 3. That the following orders and resolutions of said Board of Supervisors of Tehama County, to wit, of May third, May fourth, May twenty-second, May twenty-third, July sixth, July seventh, July eighth, August nineteenth, September seventh, September eighth, September ninth, October second, October third, November sixth, November

fourteenth, in the year one thousand eight hundred and seventy-six, and of May seventh, and October first, of the year one thousand eight hundred and seventy-seven, are hereby in all things ratified and confirmed and made valid.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, and this Act shall take effect immediately.

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CHAP. CCCL.—[See volume of *Amendments to the Codes.*]

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CHAP. CCCLI.—*An Act to create Hastings' College of the Law, in the University of the State of California.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That S. C. Hastings be authorized to found and establish a Law College, to be forever known and designated as "Hastings' College of the Law." That the officers of said college shall be a Dean, Registrar, and eight (8) Directors. That the Directors shall be Joseph P. Hoge, W. W. Cope, Delos Lake, Saml. M. Wilson, O. P. Evans, Thos. B. Bishop, John R. Sharpstein, and Thos. I. Bergin, of the Bar Association of the City of San Francisco, who shall, when vacancies occur, fill the same from members of said Association or otherwise, and shall always provide for filling a vacancy with some heir or some representative of the said S. C. Hastings. That the Dean and Registrar shall be appointed by the Directors.

Authorizing  
founding  
of Law  
College.

SEC. 2. Said College shall affiliate with the University of the State, upon such terms as shall be for the welfare of the College and University, and shall be the Law Department of the University.

Shall affiliate  
with  
University.

SEC. 3. The Faculty of the University shall grant diplomas to the students of the College, and the President shall sign and issue the diplomas.

SEC. 4. There shall be set apart for the use of the students of the College some room or suitable hall at the University, and the Board of Supervisors of the City of San Francisco is authorized to supply a suitable hall in the City of San Francisco for the students and Directors.

Room for  
students.

SEC. 5. The Dean of said College shall be ex officio of the Faculty of the University, to be designated as such by the Directors of the College.

SEC. 6. The diploma of the students shall entitle the student to whom it is issued to a license to practice in all the

Diploma  
made license  
to practice.

Courts of this State, subject to right of the Chief Justice of the State to order an examination, as is in ordinary cases of applicants without such diploma.

Condition. SEC. 7. This Act is passed upon the condition that said S. C. Hastings shall pay into the State treasury the sum of one hundred thousand dollars, and is never to be refunded except as hereinafter provided.

SEC. 8. The sum of seven per cent. per annum upon one hundred (\$100,000) thousand dollars is to be appropriated by the State and paid in two semi-annual payments to the Directors of the College.

Business of  
College.

SEC. 9. The business of the College shall be to afford facilities for the acquisition of legal learning in all branches of the law, and to this end shall establish a curriculum of studies, and shall matriculate students who may reside at the University of the State as well as students residing in other parts of the State.

SEC. 10. Professorships may be established in the name of any founder of such Professorships who shall pay to the Directors the sum of thirty (\$30,000) thousand dollars.

SEC. 11. All the business of the College shall be managed by the Directors without compensation, and all acting officers, including the Dean and Registrar, shall be appointed by the Directors and removed by them.

SEC. 12. The Law Library Association, of the City of San Francisco, shall grant to the students the use of their library, upon such terms and conditions as they may agree with the Directors of the College.

Object of  
Act.

SEC. 13. The object of this Act being to grant a perpetual annuity for the support and maintenance of said College, should the State, or any government which shall succeed it, fail to pay to the Directors of said College the sum of seven per cent. per annum, as above stipulated, or should the College cease to exist, then the State, or its successor, shall pay to the said S. C. Hastings, his heirs or legal representatives, the said sum of one hundred (\$100,000) thousand dollars and all unexpended accumulated interest; *provided*, that such failure be not caused by mistake or accident, or omission of the Legislature to make the appropriation at any one session.

SEC. 14. That the Chief Justice of the Supreme Court of the State (or if there be no such judicial officer of the State or Government) shall be the President of the Board of Directors, five of whom shall be a quorum to transact all business.

SEC. 15. This Act shall take effect and be in force from and after its passage.



CHAP. CCCLII.—*An Act to prevent the sale of oleomargarine under the name of and pretense that said commodity is butter.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Every person who sells, or keeps for sale, or offers for sale, or otherwise disposes of any quantity of oleomargarine, under the name of, or under the pretense that the same is butter, or shall keep for sale, or manufacture any quantity of oleomargarine, without branding the same, or the package in which it is contained, with the word oleomargarine, shall be deemed guilty of a misdemeanor, and on conviction thereof before a Court of competent jurisdiction shall be punishable by imprisonment in the County Jail for a term not less than fifty nor more than two hundred days, or by fine not less than fifty nor more than two hundred dollars, or by both such fine and imprisonment.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLIII.—*An Act to cure defects in the application of John D. Justice to purchase lands from the State of California.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The application of John D. Justice to purchase from the State of California the northeast quarter of section number sixteen, in township number sixteen south, of range number eight east, of Monte Diablo base and meridian, made in the State Surveyor-General's office, April twentieth, eighteen hundred and seventy-four, and the issue of certificate of purchase thereon by the Register of the State Land Office, on the ninth day of June, eighteen hundred and seventy-four, are hereby confirmed and made valid, and upon full payment of the purchase price and interest, as required by law, the title of said State in and to said land shall vest in said John D. Justice, his heirs or assigns.

SEC. 2. This Act shall be in force and take effect from and after its passage.

CHAP. CCCLIV.—*An Act to prevent the trespassing of goats on inclosed lands in Amador County.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Misde-  
meanor.

SECTION 1. Any owner or owners of goats, or any person or persons, agent or agents, having the care, management, or control of any goat or goats, who shall permit the same to enter any inclosed premises within the limits of the County of Amador, in the State of California, without the permission of the owner or person having control of such premises, shall be deemed guilty of a misdemeanor, and for each offense to be fined not less than two dollars and fifty cents nor more than fifty dollars, to be collected as other fines are collected by law.

SEC. 2. This Act shall take effect and be in force from and after its passage and approval.

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CHAP. CCCLV.—[See volume of *Amendments to the Codes.*]

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CHAP. CCCLVI.—*An Act to amend an Act entitled an Act to regulate official salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Extra com-  
pensation  
not allowed,  
except what.

SECTION 1. Section two of said Act is hereby amended so as to read as follows: Section 2. No compensation shall be allowed to any officer named in section one for deputies or assistants, or for performance of any duties devolved upon him by virtue of his office, but the compensation fixed in said section shall be in full for all services rendered, except that:

Fees of  
Sheriff.

*First*—The Sheriff may retain for his own use the mileage received by him in civil cases, the sums received by him for conveying prisoners to the State Prison and parties to the Insane Asylum, the fees for collecting licenses, and the amount allowed by the Board of Supervisors for feeding prisoners confined in the County Jail, not exceeding fifty cents per day for each prisoner.

*Second*—The Sheriff shall be allowed twenty cents per mile one way only for every mile necessarily traveled in serving

subpoenas in criminal cases, and in serving warrants of arrest, which said mileage shall be a county charge, and the claim therefor shall be audited and allowed by the Board of Supervisors, and paid out of the General Fund of said county.

*Third*—The Assessor may retain for his own use the percentage allowed by law for collecting poll taxes and the property tax on personal property. Fees of Assessor.

SEC. 2. This Act shall take effect and be in force from and after the first Monday in March, eighteen hundred and seventy-eight.

CHAP. CCCLVII.—[See volume of *Amendments to the Codes.*]

CHAP. CCCLVIII.—*An Act to amend sections thirteen and nineteen of an Act entitled an Act to re-incorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, State of California, and also to change the name of Cañada Street, in said town, to Ventura Avenue, approved March twenty-ninth, eighteen hundred and seventy-six.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section thirteen of said Act is hereby amended so as to read as follows: Section 13. The Board of Trustees shall meet on the first Monday of every month, unless such day shall be a holiday, when they shall meet the day following. They shall elect one of their number President, and a majority shall constitute a quorum. The President chosen shall act as Town Recorder, and as to offenses committed within the corporate limits of the town, in violation of town ordinances, have like jurisdiction as now is or hereafter may be conferred on Justices of the Peace. The Recorder, when acting as such, shall receive the same fees as are allowed by law to Justices of the Peace; *provided, however*, that any Justice of the Peace, having his office within the incorporate limits of said town, shall have the same original jurisdiction over offenses in violation of town ordinances as the Recorder, and shall be governed in all things, when trying cases under the town ordinances, by the same law or ordinance as the Town Recorder; and shall account for and pay over to the Town Treasurer all moneys received for fines in such cases, after paying all the legal expenses of the trial to the officers entitled to receive them; *and provided further*, that the town shall in no event be responsible for any fees in criminal cases of the Recorder, Marshal, Town Attorney, or Justices, except

Meetings  
of Board.

Fees of  
Recorder.

for the board of prisoners to the Town Marshal, but the same shall be recovered, if at all, from the defendant.

Petition for  
street im-  
provements,  
etc.

SEC. 2. Section nineteen of said Act is hereby amended so as to read as follows: 'Section 19. When the owners of two-thirds in frontage of the property fronting on any street, avenue, or alley, or portion thereof, between the center line of two cross streets, or between the center line of a cross street and the terminus of such street, avenue, or alley shall desire to have the grade established, or to grade, fill, plank, pave, macadamize, or gravel the same, construct sidewalks along or sewers therein, or otherwise improve or repair the same, and petition the Board of Trustees, in writing, asking that the same may be done, the Board may order said work to be performed as requested, at the expense of the property fronting on said street, avenue, or alley, or portion thereof, to be assessed upon it in proportion to the number of front feet of the several lots; *provided*, that the expense of working the portion of said street, avenue, or alley crossed by other streets, avenues, or alleys, including culverts and street crossings thereon, shall be borne by the town, and paid for out of the General Fund; *provided*, that when any of the petitioners for any such improvement of any street, avenue, or alley shall have already, at their own expense, constructed the proposed improvement in front of their lots, and to the center of the street, no portion of the cost of the work to be done shall be assessed to them or on their property, but they shall be assessed with their proportionate share of the expenses of the proceedings only. Whenever a petition shall be presented to the Board as aforesaid, they shall, if necessary, order a survey of the proposed improvement to be made by some competent person, selected by them, and such person shall make and report specifications in detail of the work necessary to be done. If such report be satisfactory to the Board, they shall cause notice to be given in some newspaper published in the town, or by posting written notices, for at least two weeks, inviting sealed proposals for the construction of said work, within a time specified, according to such specifications or petition, to be filed with the Clerk on or before a day mentioned in such notice. Each bid shall be accompanied by a bond, with at least two responsible sureties, in an amount to be fixed by the Board, conditioned that the bidder will enter into a contract with the Board for performance of said work, should his bid be accepted. All bids shall be in such form that the sum to be paid for any portion of the work, less than the whole, may be easily computed, in case one or more of the owners of the property shall elect to do the work in front of their property, as hereinafter provided; *provided*, that where the petition is for the establishment of a grade of a street, avenue, or alley, the Board may, in the first instance, appoint some competent surveyor to survey and establish such grade; and *provided further*, that where the petition shall sufficiently specify the work to be done, the Board may immediately invite bids to perform the work specified in the petition. When the Board shall accept any bid to do such work, any owner of the property chargeable

Satisfactory  
report.

Form of  
bids.

therewith may elect to make the improvement in front of his lot, and to the centre of the highway, and within five days thereafter shall file a notice with the Clerk, declaring such election and specifying the portions of the work which he will do; and he shall file at the same time a bond, with two sufficient sureties, to be approved by the Board, in a sum equal to the cost of the work to be done by him, payable to the town, conditioned that such person will, within the time fixed by the Board for the completion thereof, perform said work, and that he will pay his just proportion of the cost of the proceedings other than the costs of the work to be done. At the end of five days from the acceptance of such bid, the Board shall enter into a contract with the successful bidder for the construction of all of said work which the property owners shall not have elected to do themselves, and they shall require of said contractor a bond to the town, with two sufficient sureties, to be approved by them, in a sum equal to the contract price of the work to be done, conditioned that the contractor will perform the work faithfully, within a time to be named therein. When the Board of Trustees shall make any contract to do any such work, after advertising for bids, or when they shall have caused any grade to be established by a surveyor, or caused any work to be done which is chargeable upon the property fronting on any highway, they shall ascertain the cost of said work, and the cost of the proceedings, and shall assess the same upon the property affected thereby, and direct the Assessor to make an assessment roll. The Assessor shall thereupon make out and return to the Board a full and complete list, in which shall be given a description of the several pieces to be charged, and the names of the owners of each lot, arranged alphabetically (if the owner be unknown, the name shall be as "unknown owner." The number of front feet in each piece or lot, and the rate per front foot that such lot has been charged, and the full amount assessed to each separate lot, shall be carried out into a separate column, and the total shall be added up at the foot thereof. The Board may correct said assessment list, in any particular, before approving the same, and after approval thereof by the Board, by an order entered in their minutes, the same shall be certified to be correct by the President of the Board, and thereupon the sums so assessed shall become liens upon the respective lots. The assessment roll shall then be placed in the hand of the Treasurer, who is authorized to collect all sums so assessed. Within one week after receiving the roll, the Treasurer shall advertise notice in some newspaper published in the town, or by posting written notices, that such assessment is due and payable, if remaining unpaid for thirty days from the date of the first publication of the notice, will become delinquent. The notice shall be published for at least two weeks, and shall state the hours during which and the place where payment will be received by the Treasurer. When any payment shall be made, the Treasurer shall write the word "paid" against such amount. At the end of the thirtieth day, he shall declare all assessments unpaid to be delinquent,

Duty of  
Assessor.

Duty of  
Treasurer.

Assessments;  
when delin-  
quent.

by an entry in writing at the foot of the roll, signed by him, and shall return such delinquent list to the Clerk of the Board. The Board shall thereupon direct that the Town Attorney proceed by action to collect such delinquent assessments in the name of the town, and against the several lots or pieces of property, and the owners thereof. For services in collecting said delinquent assessments, the Town Attorney shall receive a fee in each suit equal to ten per cent. on the amount received, if paid before judgment, and if not so paid, twenty per cent. on such amount; *provided*, that such fee shall in no case be less than five nor more than twenty-five dollars; and such fee shall be taxed as costs, and judgment given therefor; *and provided further*, the town shall not be liable for said fee, unless the same is collected from defendant. Such action shall be brought in any Court of competent authority in and for Ventura County.

Fees of Town  
Attorney.

Cost of im-  
provement of  
streets, etc.;  
by whom  
made.

SEC. 3. All moneys collected by the Treasurer or Town Attorney on such assessments shall be placed in the treasury, to the credit of the General Fund. All streets, avenues, or alleys, or portions thereof, improved under the provisions of this section, and all which may have been heretofore improved, shall be maintained and kept in repair by the town, except sidewalks, which shall be maintained and kept in repair by the owners of the premises in front of which they run. The Town Board may regulate, by ordinance, the mode and manner of keeping said sidewalks in repair, and affix and enforce penalties for violation thereof.

SEC. 4. This Act shall take effect and be in force from after its passage.

#### CHAP. CCCLIX.—*An Act to fund certain indebtedness of San Diego County.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Funding of  
indebtedness  
authorized.

SECTION 1. The County of San Diego is authorized to fund the indebtedness represented by the warrants outstanding against the Road Fund of said county at the date of the passage of this Act, or that may be outstanding on the first day of December, A. D. eighteen hundred and seventy-eight, and to that end the Auditor, County Clerk, and Chairman of the Board of Supervisors of said county are constituted a Board to be styled the "Commissioners of the Funded Road Debt of San Diego County."

Issuance  
of bonds.

SEC. 2. The Commissioners shall cause bonds to be prepared, for the purpose of this Act, which bonds shall be payable in United States gold coin, and shall bear interest in like gold coin at the rate of eight per cent. per annum from the date thereof, and shall be of the denominations of one hundred dollars and five hundred dollars each, and

shall have coupons for interest attached, and shall be made payable at the office of the Treasurer of said county at or before twenty years from their date. The interest on said bonds shall be paid by said Treasurer semi-annually, at his said office, on the first day of January and the first day of July of each year, on presentation of the coupons attached to said bonds therefor. Each bond so issued shall be signed by the Chairman of the Board of Supervisors and by the County Clerk of said county, and shall be authenticated by the seal of the County Court of said county. Each of said bonds shall substantially state and purport that the said County of San Diego owes to the holder of said bond the principal sum named in the bond, in gold coin of the United States, payable and bearing the interest as aforesaid.

SEC. 3. There shall be attached to said bonds coupons for interest, which shall be signed by the Treasurer of said county, and when any interest shall be paid by authority of this Act, the coupons due and paid shall be delivered to the County Treasurer of said county, who shall write the word "canceled" across the face thereof and sign his name thereto, and shall deliver the same to the County Auditor, taking his receipt therefor. The said Auditor shall then mark "paid" on the duplicate register of bonds in his office, and the coupons so delivered to him by said Treasurer; and when any of said bonds shall be redeemed by said Treasurer, he shall write the word "redeemed" across the face thereof and sign his name thereto and deliver the same to the County Auditor of said county, taking his receipt therefor, and the same shall be marked "paid" upon the copies of the register of bonds in the office of the said Treasurer and Auditor, with a memorandum of the amount paid for the redemption thereof; and when any coupons or bonds shall be paid or redeemed, the said Auditor shall report the same to the Board of Supervisors at their next meeting thereafter.

Interest coupons.

SEC. 4. The County Clerk of the County of San Diego shall keep a register, showing the date and number of every bond issued, the number of each coupon, when each bond and coupon is payable, the name of the person to whom said bond is issued, and the date of issue. It shall be the duty of the said County Clerk to make and certify two copies of said register, one of which shall be delivered to the Auditor and one to the Treasurer of said county, and the same shall be kept by them in the respective offices for public inspection.

Clerk to keep register.

SEC. 5. Before the first day of September, eighteen hundred and seventy-eight, the Commissioners shall cause notice to be given of their readiness to fund said indebtedness, in some newspaper published in said county, which notice must be published as often as said newspaper is published, for two weeks. All persons holding any warrants drawn on the said Road Fund must present the same to the Commissioners before the first day of December, eighteen hundred and seventy-eight, and shall receive in exchange said bonds for the full amount of principal and interest due at the time of the presentation. The Commissioners must give to each person a certificate for any fractional amount less than the

Notice to fund indebtedness.

Payment of warrants.

Cancellation.

smallest denominations of bonds, and such certificate must be received and funded in the same manner as the original warrants, when presented with other certificates or warrants in sufficient amount to make up a bond authorized by this Act. It shall be the duty of said Board to cause all warrants or certificates, for which bonds are issued as herein provided, to be canceled immediately after issuing bonds therefor. All warrants drawn on said Road Fund prior to the first day of December, A. D. eighteen hundred and seventy-eight, shall cease to bear interest on said first day of December, A. D. eighteen hundred and seventy-eight. The Commissioners shall complete their labors by the first day of January, A. D. eighteen hundred and seventy-nine, and must, at the next regular meeting of the Board of Supervisors of said county, present a full report of their proceedings under this Act, and deliver to said Board all their books, vouchers, et cætera, and their office as Commissioners must cease. Said books, vouchers, et cætera, shall, by said Board of Supervisors, be deposited with the County Auditor for safe keeping.

Compensation of Commissioners.

SEC. 6. The said Commissioners' duties under this Act shall be deemed a part of their official duties respectively, for the performance of which they shall be responsible individually and on their bonds respectively. They shall be allowed for their duties under this Act the sum of fifty dollars each, which, with the expenses of the preparation and issue of said bonds, shall be allowed by the Board of Supervisors and paid out of the Contingent Fund of the county.

Interest and redemption tax.

SEC. 7. The Board of Supervisors of said County of San Diego are hereby authorized, empowered, and required to levy annually, on the first Monday of April in each year, a tax, not to exceed seven cents on the one hundred dollars' worth of the assessed property of the county, which will be sufficient to produce a sum that will pay the interest on the outstanding bonds issued under this Act; and in the year eighteen hundred and eighty-nine, and annually thereafter, in addition to the tax for the payment of interest as aforesaid, a tax not exceeding ten per cent. of the principal of said outstanding bonds, which tax shall be levied annually until all the bonds issued by authority of this Act shall have been paid or redeemed, principal and interest; and the money arising from said tax shall be set apart by the Treasurer of said county for the purpose of paying the interest and principal of said bonds. This fund shall be known as the "Redemption Road Bond Fund of San Diego County." The Treasurer shall pay therefrom the interest on said bonds as the same become due.

Redemption of bonds.

SEC. 8. On the first day of March, in eighteen hundred and ninety, and annually thereafter, the Treasurer shall give notice by advertisement in some newspaper printed and published in San Diego County, for at least two weeks, for sealed proposals, to be opened within ten days after the expiration of said publication, by the County Treasurer, in presence of the Chairman of the Board of Supervisors of said county, for the surrender of bonds issued under this Act; which advertisement shall state the amount of money he has on



hand for the purposes of redemption, and they shall accept the lowest proposal, at rates not exceeding the par value of said bonds, as will redeem the greatest amount of bonds, until the amount of cash on hand is exhausted; *provided, however*, that in case sufficient amount of said bonds shall not be offered as aforesaid to exhaust the fund on hand for said redemption, then it is hereby made the duty of said Treasurer to give notice in some newspaper printed and published in said San Diego County, that he is prepared to redeem certain of said bonds, which shall be designated in said notice by number and date in the order of the issuance thereof, which said notice shall be published not less than ten days; and if such bonds so numbered in such advertisement shall not be presented for payment and cancellation within ten days after the expiration of the publication of said notice, then the money in said fund shall remain in said treasury to redeem said bonds whenever presented; but said bonds shall not draw interest after such publication as last aforesaid.

SEC. 9. From and after the first day of December, eighteen hundred and seventy-eight, no debt or obligation shall be incurred by the County of San Diego for the making or repairing of roads in said county unless there is sufficient money in the Road Fund of said county, at the time of incurring said obligation, to pay off and discharge the same, and no warrant shall be ordered or drawn on said fund unless there is sufficient money in the fund to pay it. Any officer violating the foregoing provisions shall be guilty of a misdemeanor, and for each offense shall be punished by a fine not exceeding five hundred dollars; and any debt or obligation of indebtedness, incurred contrary to this Act, shall be void as against the County of San Diego, but recoverable against the officer or officers contracting the same.

Debt shall not be incurred when.

Misdemeanor.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLX.—*An Act to pay the claim of P. K. Stockton, due for services as short-hand reporting on the State Land Commission.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There is hereby appropriated the sum of two hundred and eighty-five dollars, out of any money in the State treasury not otherwise appropriated, to pay the claim of Philip K. Stockton, for services in taking and transcribing evidence for the State Land Commission; and the Controller of State is hereby authorized and directed to draw his warrant on the State treasury in favor of said P. K.

Appropriation authorized.

Stockton for the sum above appropriated, and the Treasurer is authorized to pay the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLXI.—*An Act to authorize and facilitate the repairing of streets and sewers in the City and County of San Francisco, in case of urgent necessity.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

When repairs are urgent necessity; how made.

Proviso.

SECTION 1. In case of urgent necessity, the Superintendent of Public Streets, Highways, and Squares is hereby authorized and required to repair any of the public streets, sewers, or crossings cornering thereon, either by contract or otherwise; and the expense of the same shall be paid out of the Street Department Fund, in the same manner as provided by law for the improvement of streets that have been finally accepted; *provided, however*, that all repairs shall be made to be in uniformity with the work to be repaired, and that the repairs between two main streets shall not exceed the sum of one hundred dollars, and the repairs of any crossing shall not exceed the sum of fifty dollars; *provided*, the sum so expended shall not exceed the sum of one thousand dollars in any one month.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, except the provisions of an Act entitled "An Act" to regulate and limit the payment of money out of the treasury of the City and County of San Francisco, approved February twenty-sixth, A. D. eighteen hundred and seventy-eight;" and also of an Act supplementary and amendatory thereto, approved March eighteenth, eighteen hundred and seventy-eight.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCLXII.—*An Act to provide for the election of Road Overseers in Marin County.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Election of Road Overseer.

SECTION 1. At the next general election held after passage of this Act, and every two years thereafter, there shall be elected, in each road district of Marin County, a Road Overseer, to hold office from the first day of January next follow-

ing his election, and to continue in office for two years and until his successor is elected and qualified.

SEC. 2. Subdivision one of section two thousand six hundred and forty-seven of the Political Code, so far as it relates to the County of Marin, is hereby repealed. Repeal.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCLXIII.—*An Act to provide for the improvement and maintenance of the public roads in the County of El Dorado.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Each of the Auditor Districts of the County of El Dorado is hereby declared to be a road district. Road districts.

SEC. 2. A Road Overseer shall be appointed by the Board of Auditors for each of the several road districts, who shall hold his office during the pleasure of the said Board, but in no case to exceed the term of four years. Said Road Overseer must be an elector of the district for which he is appointed. Road Overseer.

SEC. 3. Before entering upon the discharge of the duties of their office, the Road Overseers shall take and file with the County Clerk the usual oath of office, together with an official bond in the sum of one thousand (1,000) dollars, to be approved by the County Judge. Bond.

SEC. 4. The said Road Overseer, under the direction of the Board of Auditors, shall: Duty of Overseer.

*One*—Have charge of the public highways and roads within their respective districts.

*Two*—To keep them free from all obstruction, and in good repair.

*Three*—Receive and present to the Board of Auditors petitions for changes and alterations in roads, and for laying out new roads.

*Four*—Make quarterly reports, verified by his oath, to the Board of Auditors, of all labor performed, giving names of laborers, date of service, where performed, and amount due; if for materials, giving the kind and value thereof, and where used, accompanied with proper vouchers; shall also, at the same time, make a written report of the general condition of the roads of his district, with such recommendations for their improvement as he may deem necessary. All accounts shall be audited and allowed, modified or rejected, as in case of bills for other purposes, and payment shall be made out of the Road Fund of the district in which the debts were contracted.

SEC. 5. No Road Overseer shall, without written authority from the Board of Auditors, expend to exceed two thousand (2,000) dollars in any three consecutive months in his district. Expenditure limited.

Work shall  
be done  
when.

SEC. 6. No work shall be done by the Overseer on any road, under the provisions of this Act, except between the fifteenth day of March and the first day of June, and during the month of November of each year, unless it be in removing obstructions, repairing bridges, or other work of absolute necessity, unless specially ordered by the Board of Auditors.

Poll tax.

SEC. 7. Every male inhabitant of the County of El Dorado, over the age of twenty-one and under the age of fifty-five years, shall pay, annually, a road poll tax of two (2) dollars, provided the same be paid between the first Monday in January and the first Monday in August; if not paid prior to the first Monday in August, then he shall pay the sum of three (3) dollars.

SEC. 8. The Assessor of El Dorado County is hereby made Collector of road poll taxes, and shall receive for his services fifteen per cent. of such amount as may be collected by him.

Political  
Code appli-  
cable.

SEC. 9. The several provisions of the Political Code of this State, for the collection of the State poll tax, shall be applicable to and govern the collection of the road poll tax provided for in this Act. On the first Monday of each month the Assessor shall pay into the county treasury all sums collected by him, less his percentage, as provided for in section eight of this Act, giving a full written statement of the amounts received in each road district, which said sum shall be credited to and kept as a special fund to Road District Number One, Number Two, Number Three, in accordance with the amounts collected in each district.

Duty of  
Assessor.

SEC. 10. On the first Monday of August of each year the Assessor shall prepare for each road district a list of all persons liable to and who have not paid a road poll tax in said district, which shall be called the "Road Poll Tax Delinquent List," and from and after the first Monday in August of each year he shall proceed to collect from each person delinquent the sum of three dollars. On the third Monday of October of each year the Assessor shall make out and deliver to the several Road Overseers a list of the names of all persons who have paid their road poll tax, as also a list of the delinquents. The several Road Overseers shall, immediately upon the receipt of said delinquent list, shall call out the said delinquents to work upon the roads at such place and time as he may see fit, and each delinquent shall be required to perform two days' labor on the roads of ten hours each day. To every person who shall perform the two days' labor, the Road Overseer shall deliver a receipt in which shall be written "paid by work;" *provided*, that any person delinquent may be remitted from labor by paying to the Road Overseer the sum of three dollars, for which he shall give his receipt; *provided further*, that all persons delinquent, who fail, neglect, and refuse to pay said "road poll tax," the Road Overseer shall forthwith proceed to enforce the payment of said tax, and shall have the same powers and be governed by the same law as the Assessor of the county in the collection of poll taxes.

Duty of  
Overseers.

Office  
abolished.

SEC. 11. The office of Road Overseer, and the road districts now existing in said county, are hereby abolished from

and after the first day of January, (1879) eighteen hundred and seventy-nine.

SEC. 12. The Boards of Auditors shall make the first appointment of Road Overseers under this Act at their regular meeting in December, eighteen hundred and seventy-eight, and the Overseers so appointed shall qualify and enter upon the duties of their office on the first day of January, eighteen hundred and seventy-nine.

SEC. 13. The Road Overseers shall be allowed the sum of three dollars per day for each and every day they may be actually engaged in the performance of the duties of their office.

SEC. 14. The provisions of the Political Code relating to the collection of delinquent taxes for road purposes, so far as they are not in conflict with the provisions of this Act, are hereby made applicable to the County of El Dorado.

SEC. 15. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they relate to El Dorado County; *provided*, that nothing in this Act shall be construed as repealing, or in any way affecting, the provisions of an Act entitled "An Act for the improvement of streets and sidewalks in the City of Placerville, approved April third, eighteen hundred and seventy-six," except that the Road Overseer of the Auditor District including the said City of Placerville shall perform the duties of Road Overseers as required by said last mentioned Act, and subject to all the provisions therefor.

CHAP. CCCLXIV.—*An Act in relation to certain officers in Plumas County, and to fix the compensation thereof.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Sheriff of Plumas County shall receive for all services performed by him as Sheriff and ex officio Tax Collector the sum of eighteen hundred dollars per annum, and, in addition thereto, the sum of thirty cents a mile for each mile necessarily traveled by him in criminal business within the county; *provided*, he shall receive nothing from the county for conveying insane persons to Stockton, or convicts to the State Prison. He shall have one deputy, who shall be Jailer, and who shall receive the sum of one thousand dollars per annum. All State and county taxes shall be paid to the Tax Collector, at his office in said county; and it shall be the duty of the Tax Collector, in addition to the settlements he is now required by law to make with the County Treasurer, to pay over to the said Treasurer, and to take his receipt therefor, all money collected by him for

Overseers;  
when ap-  
pointed.

Compensa-  
tion.

Salary of  
Sheriff.

Taxes;  
where paid.

taxes, on each Monday of the month of December of each year.

Offices  
separated.

SEC. 2. The office of County Recorder is hereby separated from the office of County Clerk in Plumas County; and for all services which the County Clerk will still be required to perform, he shall receive the sum of one thousand five hundred dollars.

Recorder  
elected.

SEC. 3. At the general election for the year one thousand eight hundred and seventy-nine, and every two years thereafter, a County Recorder shall be elected for Plumas County. He shall qualify, enter upon his office, and perform the duty as prescribed by law for County Recorders. He shall demand and receive of the County Clerk of Plumas County all records, books, papers, and property in the hands of said Clerk pertaining to the office of the Recorder. He shall receive for his services the sum of fifteen hundred dollars per annum.

Salary of  
Treasurer.

SEC. 4. The Treasurer of Plumas County shall receive for his services the sum of fifteen hundred dollars per annum, and such further sum as may be allowed him by law for mileage in making his settlements with the State Treasurer.

Salary Fund.

SEC. 5. A Salary Fund for said county is hereby created, and from which the salaries of the County Judge, District Attorney, Sheriff and his Deputy, County Clerk, County Recorder, Treasurer, Assessor, School Superintendent, and Supervisors shall be paid.

Fees, etc., to  
remain the  
same.

SEC. 6. The fees, percentages, commissions, and charges now established by law for the performance of any act or duty by any of the officers named in this Act shall continue and remain the fees, percentages, commissions, and charges for such act or duty, and the respective officers herein named shall collect from the persons charged with the payment thereof, except the County of Plumas, said fees, percentages, commissions, and charges for such duty performed, or to be performed, as provided by law, and the officers so collecting said fees, percentages, commissions, and charges shall, on the first Monday of each month, pay the same to the County Treasurer, to the credit of the said Salary Fund.

Officers to  
keep fee  
book.

SEC. 7. The Sheriff, County Clerk, County Recorder, and County Treasurer shall each keep a fee book, in which shall be entered, by items, all services performed for which they are respectively entitled by law to charge, with the amount of fees, percentage, or commission allowed for each item, with the name of the person for whom such service was performed, the date when performed, and the amount collected thereon; and such book shall be open to public inspection during office hours. Each of said officers shall, on the first Monday of each month, make out in duplicate a full and correct transcript of his said fee book for the month last past, and shall submit the same to the District Attorney for his approval. If the District Attorney find the statement correct, he shall require the officer presenting the same to make oath thereto, as follows: I, —, County —, of Plumas County, State of California, do solemnly swear that the foregoing is a true and correct statement of all the fees, percentages, commissions, charges, compensations, and collec-

Officer to  
make oath.

tions of whatever nature allowed by law, and collected by me in pursuance thereof for services rendered by me or my deputy, in any official capacity, or in any capacity which I am authorized to act as an ex officio officer, for the month of —, A. D. eighteen —, and that I have paid the same to the County Treasurer. The District Attorney shall then indorse his approval upon said statement, over his official signature, and shall immediately file one copy thereof with the County Auditor, and the other with the County Treasurer. The foregoing affidavit shall be filed with the said statement.

SEC. 8. If any of the officers herein required to keep a fee book fail or neglect to collect in gold or silver coin, in advance, all fees, percentages, commissions, charges, and collections allowed by law, and which are to be paid to the County Treasurer as aforesaid, the officer so failing shall be held liable on his official bond for the amount so remaining uncollected, and such sum shall be deducted from his salary.

Liability for failure to keep fee book.

SEC. 9. On the first Tuesday after the first Monday of each month, and subject to the following section, the Auditor shall draw his warrant upon the County Treasurer in favor of each officer named in this Act, except the Supervisors and School Superintendent, for one-twelfth part of the salary due said officers, as in this Act provided; and at such times and in such amounts as is now directed by law, the said Auditor shall draw his warrant upon the County Treasurer in favor of each of the Supervisors and the School Superintendent for their salaries. All warrants issued as aforesaid shall be paid out of the Salary Fund, and should there be insufficient money in said fund to pay said warrants when drawn, the Treasurer shall immediately transfer a sufficient sum from the General Fund to the said Salary Fund to make up the deficiency.

Salaries; how paid.

SEC. 10. Should any officer required by this Act to keep a fee book, fail to comply with each and every provision of this Act in relation to the fees, percentage, commissions, and charges pertaining to his office, the Auditor shall not draw, nor shall the Treasurer pay if drawn, any warrant in favor of said officer so failing to comply, only on the following terms and conditions: Should it appear from an examination of said officer's fee book, or otherwise, that any fees, percentage, commissions, charges, or collections pertaining to his office remain uncollected, or if collected have not been paid to the County Treasurer, the Auditor shall deduct the amount so uncollected or not paid over from the sum due the officer on account of his salary; and if the amount uncollected or not paid over exceeds the salary of the officer for any one month, then so much thereof as will cover such salary for one month shall be credited to such officer by the Auditor, and the remainder deducted from the future monthly warrant of each defaulting officer, until the whole amount of the fees, percentage, commissions, and charges so uncollected or unpaid is fully satisfied.

Warrant not drawn for officer failing to keep fee book except when.

SEC. 11. If any officer named in this Act shall retain, or convert to his own use, any of the moneys herein required

Misdemeanor.

to be paid by him to the County Treasurer, or shall fail to keep a fee book, or to make and deliver the transcript thereof to the District Attorney, as required by section seven of this Act, such officer shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both: and upon such conviction the office he holds shall be declared vacant, and the Board of Supervisors of said county shall fill such vacancy as in other cases. Such conviction shall not prevent the recovery of money due the county from such officer and his bondsmen by civil action.

Extra compensation not allowed.

SEC. 12. No officer named in this Act shall receive any compensation other than as provided in this Act for any service he may be required by law to perform as an ex officio officer, or on any account whatever; and all fees, percentage, commissions, and charges for services as an ex officio officer must be disposed of by the principal officer as directed by section seven of this Act.

SEC. 13. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 14. This Act shall take effect and be in force on the first Monday of March, Anno Domini one thousand eight hundred and eighty; *provided*, that so much of the Act as provide for the election of a County Recorder, that the State and county taxes shall be paid at the office of the Tax Collector at his office in said county, and that requires the Tax Collector to make additional payments to the County Treasurer in the month of December of each year, shall take effect immediately.

CHAP. CCCLXV.—*An Act to authorize the Board of Supervisors of Napa County to transfer a certain fund.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Transfer of fund authorized.

SECTION 1. The Board of Supervisors of Napa County, whenever they deem it expedient, are hereby authorized to transfer the Swamp Land Fund which may be in the county treasury from that fund to the General County Fund; *provided*, that whenever the fund, or any part thereof, shall be required for the purposes for which the fund was originally created, the said Board are hereby authorized and empowered to cause so much thereof as may be required to be paid out of the General County Fund of the county.

SEC. 2. This Act shall take effect and be in force on and after its passage.



CHAP. CCCLXVI.—*An Act to amend an Act entitled an Act to regulate the salaries and fix the compensation of certain officers in the County of Napa, approved March sixteenth, eighteen hundred and seventy-four.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section two of said Act is hereby amended to read as follows: Section 2. The Sheriff of Napa County shall receive such fees for his services as are now allowed by law, together with compensation allowed him by law for the collection of licenses. Fees of Sheriff.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXVII.—*An Act to regulate the salaries and fix the compensation of certain county officers in the County of Nevada.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Such salaries and fees shall be allowed and paid to the following officers of the County of Nevada as in this Act provided, and not otherwise, and shall be in full compensation for all official services required of them by law. Salaries and fees allowed.

SEC. 2. Each member of the Board of Supervisors shall be entitled to receive for his services, for each day's necessary attendance on the business of the county, the sum of eight dollars, but not to exceed in the aggregate, during any one year, five hundred dollars; and he shall receive twenty cents per mile for each mile necessarily traveled in going to and returning from the county seat; *provided*, that no charge shall be made for more than one trip going from and returning to the residence of such Supervisor at each term held. Compensation of Supervisors.

SEC. 3. The County Assessor shall receive a salary of two thousand dollars per annum; and he shall be allowed three Deputy Assessors, who shall each be paid by the county at the rate of six dollars per day for each day actually employed during the term allowed by law for the assessment of property. He shall also be allowed to appoint one Clerk, to act for a period of not more than four months during the time assessments are made, who shall be allowed by the Board of Supervisors, as compensation for such services, a sum not exceeding five hundred dollars in any one year. Salary of Assessor.

SEC. 4. The Sheriff shall receive a salary of three thou- Salary of Sheriff and deputies.

sand dollars per annum, and be allowed to retain for his own use the mileage allowed by law. The Sheriff shall be allowed one Under-Sheriff, and one Deputy Sheriff, who shall also be ex officio Jailer, who must reside at the county seat, who shall receive the following salaries: the Under-Sheriff shall receive fifteen hundred dollars per annum, and the Deputy Sheriff shall receive, for all services required of him as such Deputy Sheriff and ex officio Jailer, a salary of twelve hundred dollars per annum. The Sheriff shall be allowed one additional Deputy Sheriff, whenever the Board of Supervisors shall deem it necessary, who shall receive, for all services required of him, a salary at the rate of twelve hundred dollars per annum for such time only as the Board shall, by an order entered upon the records, direct.

Salary of  
Clerk.

SEC. 5. The County Clerk shall be ex officio Clerk of the District Court, the County Court, the Probate Court, and of the Board of Supervisors, and ex officio Auditor; he shall receive, in full compensation for all services required of him by law, the sum of two thousand and seven hundred dollars per annum. The County Clerk shall be allowed one Deputy Clerk, who shall be Deputy Clerk of all the Courts in said County, the Board of Supervisors, and Deputy Auditor, who shall receive, for all services required of him, a salary of eighteen hundred dollars per annum.

Salary of  
Recorder.

SEC. 6. The County Recorder shall receive, for all services, a salary of two thousand dollars per annum. The County Recorder shall be allowed one Deputy Recorder, who shall receive, for all services, a salary of twelve hundred dollars per annum. The County Recorder shall be allowed one additional Deputy Recorder, at such times as the Board of Supervisors may deem it necessary, who shall receive a salary of twelve hundred dollars per annum for such time only as the Board, by an order on their minutes, may direct. All fees paid into and received by the County Recorder for recording of notices of location of mining claims or other documents, and all fees received for any official services, shall be considered as public or county moneys, and must be paid over to the County Treasurer on the first Monday of each calendar month.

Salary of  
Treasurer.

SEC. 7. The County Treasurer shall be ex officio Tax Collector, and must perform all the duties by law imposed upon each office respectively. He shall receive, in full compensation for his services as Treasurer and ex officio Tax Collector, a salary of twenty-five hundred dollars per annum, and he shall also be allowed to retain for his own use all sums allowed him by the State for mileage, and also the fees and percentage now allowed by law for collecting licenses and poll taxes.

Salary and  
fees of  
District  
Attorney.

SEC. 8. The District Attorney shall receive, for all services required of him by law, a salary of two thousand dollars per annum, and the following additional fees and percentage: for each conviction for felony, when the punishment is death, the sum of fifty dollars; for each conviction for other felonies, twenty-five dollars; for each conviction for misdemeanor, the sum of fifteen dollars. Which said

several sums shall be assessed against the person convicted; and if the same cannot be collected from the person so convicted, then it shall be adjudged an indebtedness against the said county, and be audited by the Board of Supervisors of said county. For all collections on bonds or forfeited recognizances, ten per centum; for all actions in which the State or county shall be a party thereto, he shall receive the same compensation, fee, or percentage allowed by the general laws of the State to District Attorneys.

SEC. 9. The County Judge shall receive, for all services required of him by law, a salary of two thousand four hundred dollars per annum.

Salary of  
County  
Judge.

SEC. 10. The Sheriff, Clerk, Recorder, and Tax Collector, named in this Act, who are entitled to charge and collect or receive any fees, commissions, percentage, or other compensation of whatever nature or kind, allowed by law for services by them or their deputies performed in their several official capacities, or for the performance of duties appertaining to said offices, shall collect and safely keep the same, and on the first Monday of each month shall account for, settle, and pay the amount by them received (excepting such fees, mileage, and percentage as they are to receive for their own use under the provisions of this Act) to the Treasurer of said county. The County Clerk must keep a debit and credit account with each party litigant, in the Registers of Action of the various Courts in said county, charging each of the parties litigant with the items of services rendered, entering the amount of fees charged in appropriate columns, and crediting all sums of money paid or deposited for fees; he must also keep a fee book, in which shall be entered, in appropriate columns, all sums of money deposited or received for fees, showing from whom and for what purpose the same was received, and also showing all moneys disbursed or refunded to litigants, to whom the same was paid, or for what purpose disbursed. The County Clerk, on the commencement of any civil action in either of the Courts of said Nevada County, must demand a deposit of at least ten dollars from the party plaintiff, or if the case be on appeal from some other Court, then such deposit must be demanded from the appellant; he must also demand a deposit of at least three dollars from the defendant in each case, which sums, when paid, must be entered to the credit of the proper party in the Register of Actions, and if said deposit is exhausted by fees earned before the termination of the suit, he must demand a further deposit from the party owing the same. Upon the termination or settlement of a case, if the deposit shall exceed the fees earned, the County Clerk shall, upon application, refund the excess to the party entitled thereto. The Sheriff must keep a fee book, in which shall be entered all fees and mileage earned and received, entering in separate columns the amounts belonging to the county and the amounts he is by law allowed to retain for his own use. The Recorder must keep a fee book, in which shall be entered the date of filing each document for record, with the title of the same, the name of the person at whose request the doc-

Duty of  
certain off-  
icers entitled  
to receive  
fees.

Duty of  
Clerk.

Sheriff to  
keep fee  
book.

ument is filed, and the amount of fees charged and collected therefor; he must enter in such book all fees earned, showing the nature of services rendered. The fee books required to be kept by the several officers named in this Act shall, at all office hours, be open to the inspection of the Board of Supervisors or any citizen; and each of said officers shall, on the first Monday of each month, make out and verify by oath, and file with the Auditor, a full and correct statement, from said book or books, of all fees received and disbursed by them for the preceding month. All fees or compensation for official services which, under this Act, are required to be paid to the County Treasurer, shall be credited to the General Fund of the county.

Fee books to  
be kept open  
to the public.

SEC. 11. The Board of Supervisors must examine, quarterly, the fee book of the County Clerk, and compare the entries therein with the entries of cash received and disbursed in the various Registers of Action. They must also examine the fee books of the Sheriff and Recorder, at each regular quarterly session of the Board, and must settle the accounts of each office to date of the first Monday of their session; and such settlement and approval of said accounts must be entered on their minutes.

Duty of  
Board to  
examine  
fee book.

SEC. 12. The County Auditor of Nevada County shall, on the first Monday of each month, draw his warrant on the County Treasurer for one-twelfth part of the yearly salary of all officers entitled to receive the same, which shall be paid out of the General Fund; *provided*, he shall not issue his warrant for any salary in advance.

Salary of  
officers;  
when paid.

SEC. 13. The Act entitled "An Act to regulate the salaries and fix the compensation of certain county officers in the County of Nevada," approved March fifth, eighteen hundred and seventy, and all Acts amendatory thereof or supplementary thereto, and all Acts or parts of Acts in conflict with the provisions of this Act, so far as the same apply to the County of Nevada, are hereby repealed.

SEC. 14. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXVIII.—[See volume of *Amendments to the Codes*.]

CHAP. CCCLXIX.—*An Act to provide a new Great Register for the County of Yolo, and re-register the voters thereof.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Clerk to  
make new  
Great  
Register.

SECTION 1. The Clerk of the County of Yolo must, within thirty days after the passage this Act, procure a new book

for the registration of electors of said county, to be known as the Great Register of the County of Yolo, in which must be registered the names of all the qualified electors of said county, in the manner required by Chapter Three, of Article Three, of Title Two, of the Political Code, except as in this Act otherwise provided.

SEC. 2. Upon the demand of any elector of said county, whose name appears on the former Great Register thereof, and who shall show to the satisfaction of the Clerk or Assessor of said county that he is the person named therein, it shall be the duty of said Clerk or Assessor to re-register or enroll the name of such person without the proof by affidavit, as provided in section one thousand and ninety-seven (1097) of the Political Code.

Clerk to re-register qualified electors.

SEC. 3. Upon demand of any naturalized citizen, resident of said county, whose name appears on the former Great Register thereof, and who shall show to the satisfaction of the said Clerk or Assessor that he is the person named therein, his name shall be registered or enrolled without the production of his certificate of naturalization or proof of the loss of the same.

SEC. 4. It shall be the duty of said Clerk to appear in person or by deputy, at some public place in each of the several townships in said county, at least thirty days prior to the first general or special election held after the passage of this Act, for the purpose [of] registering the names of the said electors, of which due notice of the time and place shall be given in such manner as the Board of Supervisors of said county may direct.

Registering; how done.

SEC. 5. The Clerk shall be entitled to receive for his own use the sum of twenty-five (25) cents for each name entered upon the new Great Register, which fees shall be a county charge, and payable out of the County Salary Fund.

Fee of Clerk

SEC. 6. The Assessor shall be entitled to receive for his own use the sum of twenty-five (25) cents for each name registered by him or his deputies, which fees shall be a county charge, and payable out of the County Salary Fund.

Fee of Assessor.

SEC. 7. The former Great Register must be preserved by the said County Clerk, but the same shall not be used for the purpose of any election after the first day of June, eighteen hundred and seventy-eight.

Old Register to be preserved.

SEC. 8. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 9. This Act shall take effect from and after its passage.

CHAP. CCCLXX.—*An Act to confer additional powers upon and to authorize certain appropriation of money by the Board of Supervisors of the City and County of San Francisco.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriations authorized.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow, and order paid the several sums of money hereinafter mentioned, and to exercise the following powers, to wit:

*First*—To allow and order paid out of the General Fund to William Culligan the sum of eight hundred and fifty dollars for extra services rendered by him as Gardener of Alta, Hamilton, and Jefferson Squares, in making plans for and supervising the improvement of said squares.

*Second*—To allow and order paid out of the General Fund such amounts as may be necessary, not to exceed the sum of fifteen thousand (\$15,000) dollars, to pay for the services of special police officers who have been employed for the protection of life, person, and property, on demands approved by the Board of Police Commissioners.

*Third*—To allow and order paid out of the General Fund the sum of thirty-five hundred dollars for a three-dial automatic repeater for the fire alarm and police telegraph, heretofore contracted for.

*Fourth*—To allow and order paid out of the Special Fee Fund to the Collector of Licenses a salary not to exceed three thousand (\$3,000) dollars per annum.

*Fifth*—To allow and order paid out of the Special Fee Fund to the Clerk of the Board of Supervisors a salary not to exceed three thousand six hundred (\$3,600) dollars per annum.

*Sixth*—To appropriate a sum not to exceed eighty thousand (\$80,000) dollars, annually, for running expenses, horse feed, repairs to apparatus, and for the construction and erection of cisterns and hydrants, and for the erection and repair of buildings, and other expenses of the Fire Department, in lieu of the amount now allowed.

*Seventh*—To appropriate, annually, a sum not to exceed thirty thousand (\$30,000) dollars for the purchase of horses and apparatus for the Fire Department, in lieu of the amount now allowed.

*Eighth*—To appropriate annually a sum not to exceed ten thousand (\$10,000) dollars for extending and repairing the fire alarm and police telegraph, in lieu of the amount now allowed.

*Ninth*—To grant to street railroad companies the right to use steam to propel cars over such roads, or parts of roads, in the suburbs of the city and county, as in the discretion of the Board may be proper and for the public convenience, under such restrictions as contained in those portions of the

Civil Code applicable to street railroads; *provided*, that such privileges shall only be granted to roads operated west of the east line of Larkin Street and west of the east line of Ninth Street. Appropriations authorized.

*Tenth*.—To provide for placing all moneys received and paid into the treasury for articles manufactured at, or produce sold from the Industrial School, House of Correction, Hospital, and Alms-house, to the credit of their respective funds, to be used solely for the purposes of those institutions.

*Eleventh*.—To allow and order paid out of the General Fund Dr. Charles Black, City Physician, the sum of fifty dollars per month for extra services rendered in attending and prescribing for prisoners and indigent persons from August, eighteen hundred and seventy-six, as heretofore allowed. The salary of the Superintendent of said fire alarm and police telegraph shall be fixed and determined by the Board of Supervisors of said City and County of San Francisco.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXXI.—*An Act to repeal an Act entitled an Act to protect agriculture in the County of El Dorado, approved March 20, 1876.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An Act to protect agriculture in the County of El Dorado, approved March (20) twentieth, eighteen hundred and seventy-six, is hereby repealed. Repeal.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLXXII.—*An Act to provide compensation for the Township Assessor of the Township of Oakland, County of Alameda.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Township Assessor of the Township of Oakland, in addition to the percentage allowed by law for collecting poll and personal property taxes, shall receive a salary of eighteen hundred (\$1,800) dollars per annum, payable out of the County Salary Fund of said county, in the mode provided for paying the salary of the Sheriff of said county. He shall also be allowed such temporary assistants as is provided by law; *provided*, said Assessor shall keep his Salary of Assessor. Assistants allowed.

office open during all office hours of the year, and keeps promptly and properly entered [in] his books all transfers of real estate in the Township of Oakland.

SEC. 2. Sections five of an Act entitled an Act to abolish the office of County Assessor in the County of Alameda, and to create Township Assessors therein, approved February 10th, 1874, in so far as it conflicts with provisions of this Act, is hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXXIII.—*An Act for the relief of John Q. Hendrichs, Charles Carroll, and R. D. Hubbard.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation authorized.

SECTION 1. The sum of three hundred dollars is hereby appropriated, out of any money in the General Fund of the State treasury, to pay the claims of John Q. Hendrichs, Charles Carroll, and R. D. Hubbard, for services rendered in the arrest and capture of Joseph Blanchard, who was concerned with William Barber in highway robbery, in the County of Siskiyou. The said Barber having been convicted of the crime, but Blanchard dying before conviction, the reward for the capture of Blanchard could not be audited by the Board of Examiners; *provided*, that the Board of Examiners are expressly prohibited from allowing said claim until satisfactory evidence shall be filed with them that the said Blanchard committed the crime mentioned in this section.

SEC. 2. The Controller of State is hereby directed to draw his warrant for said sum, and the State Treasurer to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCLXXIV.—*An Act to establish a Board of Health for the County of Tulare.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Board of Health.

SECTION 1. There shall be a Board of Health in and for the County of Tulare, consisting of three practising physicians who are graduates of some medical college in good standing, two of whom, at least, shall be residents of the



City of Visalia; and said Board shall serve without compensation.

SEC. 2. The Board of Supervisors of the County of Tulare, at their next regular meeting in May, 1878, shall appoint a Board of Health for said county, one of whom shall hold office for the term of one year thereafter, and one for two years, and the other for three years, to be designated by said Board of Supervisors; and annually thereafter, at their regular meeting in May, said Board of Supervisors shall appoint a member of said Board of Health, who shall hold office for the term of three years; and all vacancies shall be filled by said Board of Supervisors by appointment.

Supervisors  
to appoint  
Board of  
Health.

SEC. 3. The Board of Health shall have general supervision of all matters appertaining to the sanitary condition of said county, and full powers are hereby given to said Board to adopt such measures and make such orders and regulations as at any time, in their opinion, the public safety may require, and not in contravention of any law. They shall have power to declare any place where they shall have reason to believe a pestilential, contagious, or infectious disease is probably prevailing to an alarming extent to be an infected place, and to fix the period for so considering such place, notice of which shall be given by posting notices or by publication, as said Board shall deem proper.

Supervision  
of Board.

SEC. 4. All the necessary expenses incurred by said Board of Health for printing, stationery, etc., shall be allowed by the Board of Supervisors and ordered paid out of the General Fund of said county.

Printing  
expenses;  
how paid.

SEC. 5. The Board of Health may appoint a Clerk, who shall receive a reasonable compensation for his services, not exceeding two hundred dollars per annum, to be fixed and allowed by the Board of Supervisors and payable out of the General Fund of said county.

Clerk  
appointed.

SEC. 6. This Act shall take effect immediately.

CHAP. CCCLXXV.—*An Act to regulate the traveling fees of the Sheriffs of the Counties of Kern and Tulare, and to repeal certain Acts therein mentioned.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for the Sheriffs of the Counties of Kern and Tulare to charge the traveling fees provided for in section nine of "An Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto," approved March the fifth, eighteen hundred and seventy.

Sheriff's fees  
declared  
lawful.

SEC. 2. "An Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February 21st, 1872,"

Repeal.

and "An Act to make applicable to the County of Tulare" an Act entitled "An Act to regulate the traveling fees of the Sheriff of the County of Kern," approved February twenty-first, eighteen hundred and seventy-two, approved January 30th, 1874, and "An Act to amend an Act entitled "An Act to regulate the traveling fees of the Sheriff of the County of Kern," approved February twenty-first, eighteen hundred and seventy-two, approved February 10th, 1876, and all other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

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CHAP. CCCLXXVI.—*An Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes in Township No. One.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Bridge tax.

SECTION 1. The Board of Supervisors of the County of Amador must, at the time of levying taxes for State and county purposes in the year 1878, levy a special tax in Township Number One, in said county, not to exceed fifteen (15) cents on each one hundred dollars (\$100) of taxable property for the purpose of building a bridge across the middle fork of Jackson Creek, in the Town of Jackson.

How collected.

SEC. 2. Said tax shall be collected in the same manner and by the same officer as other county taxes, and when collected shall be paid into the Road Fund of Road District Number One in said township.

Powers conferred on Board.

SEC. 3. The Board of Supervisors are hereby authorized to contract for the building of said bridge, and to pay for the same out of any moneys that may be in said Road Fund.

SEC. 4. This Act shall take effect immediately.

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CHAP. CCCLXXVII.—*An Act to pay the claim of Hiram Clock.*

[Became a law by virtue of Section 17, Article IV. of the Constitution, March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation authorized.

SECTION 1. The sum of one hundred and twenty dollars is hereby appropriated out of the General Fund in the State treasury, of any moneys not otherwise appropriated, to pay the claim of Hiram Clock for services rendered the State as Messenger and Porter in the office of the Reclamation Fund Commissioners, in the year 1873 and 1874, at the monthly rate of twelve dollars per month.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of the said Hiram Clock for the sum of one hundred and twenty dollars, and the Treasurer of State is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this twenty-seventh day of March, A. D. eighteen hundred and seventy-eight.

THOMAS BECK, Secretary of State.

CHAP. CCCLXXVIII.—*An Act to authorize the Trustees of the Independent Order of Odd Fellows, of the City of San Francisco, to lease the lot of land in the City and County of San Francisco held by said Trustees for the Independent Order of Odd Fellows of said city.*

[Became a law by virtue of Section 17, Article IV. of the Constitution, March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. David Hunter, Philo White, Samuel Brannan, Andrew Himmelman, and A. Block, in whom is vested the title of the lot of land situated in the City and County of San Francisco, State of California, bounded and described as follows, viz.: Commencing at a point on the southeasterly line of Mission Street, distant one hundred and seventy-five (175) feet southwesterly from the corner formed by the intersection of the southeasterly line of Mission Street with the southwesterly line of Sixth street; thence running southwesterly along said line of Mission Street one hundred (100) feet; thence at right angles southeasterly and parallel with Sixth Street two hundred and seventy-five (275) feet; thence at right angles northeasterly and parallel with Mission Street one hundred (100) feet; and thence at right angles northwesterly and parallel with Sixth Street two hundred and seventy-five (275) feet, and to the point of commencement, being a part of one hundred-vara lot number two hundred and twenty-six (226) of said city and county, as Trustees for the Independent Order of Odd Fellows, of the City of San Francisco, or their successors, or a majority of them, respectively, are hereby authorized and empowered to lease said above described lot of land for a term of fifty years, for the purpose of enabling an Odd Fellows' hall and building to be erected thereon.

Certain persons authorized to lease a certain lot.

SEC. 2. This Act shall take effect and be in force from and after its passage.

This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this twenty-seventh day of March, A. D. eighteen hundred and seventy-eight.

THOMAS BECK, Secretary of State.

CHAP. CCCLXXIX.—*An Act to create and organize Reclamation District Number Three Hundred and Seventeen, and to define its boundaries, and provide for its government.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Reclamation  
district  
declared.

SECTION 1. That part of Andrus Island, in the County of Sacramento, State of California, bounded north by Reclamation District Number Two Hundred and Fifteen, on the east by the center of Mokelumne River and of Georgiana Slough, on the south by the San Joaquin River, and on the west by the center of Seven-mile Slough and the center of Jackson Slough, is hereby constituted a reclamation district of said State, to be hereafter known as Reclamation District Number Three Hundred and Seventeen.

Power of  
district.

SEC. 2. Said part of Sacramento County, and the owners of the lands therein, shall hereafter, for all the purposes of reclamation and of the protection of said lands from overflow by water, be a body politic and corporate, under the name of Reclamation District Number Three Hundred and Seventeen, under which name they shall hereafter make contracts, and shall sue and be sued, and they shall also possess all the powers that are now possessed or which may hereafter be possessed by any reclamation district formed under the general laws of this State.

Trustees  
elected.

SEC. 3. On the second Wednesday of April, eighteen hundred and seventy-eight, and on the second Wednesday of every April thereafter, the land owners of said district shall elect three Trustees for the management of its business and affairs. The Trustees shall hold their offices for one year and until their successors are elected and qualified. In all elections, each land owner shall be entitled to one vote for every acre of land owned by him in the district. The first election under this Act shall be held in the Town of Isleton, and Josiah Pool shall be the Inspector, and Hart Smith and Richard Parker shall be the Judges of such election; and they shall issue to the three persons having the highest number of votes a certificate that such persons have been elected Trustees of said district, and such persons shall thereafter, until their successors are elected and qualified, be the Trustees of said district. All subsequent elections shall be held at such places and under such regulations as the by-laws of the district may prescribe. The duties and powers of the Trustees of said district shall be the same as are from time to time conferred and prescribed by the Political Code of the State on the Trustees of other reclamation districts.

First elec-  
tion; where  
held.

Power of  
land owners.

SEC. 4. The land owners of said district may, from time to time, adopt and amend by-laws for its government, in the mode prescribed by the Political Code.

District  
controlled  
by Political  
Code.

SEC. 5. Except as herein otherwise provided, said reclamation district and its officers shall be controlled by the

Political Code of this State, and shall possess all the powers by that Code given to other reclamation districts and their officers.

SEC. 6. This Act shall be in force from and after its passage.

CHAP. CCCLXXX.—*An Act granting the Board of Supervisors of Colusa County additional powers.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Colusa County are hereby empowered and authorized to appoint a Jailer, upon the application of the Sheriff of Colusa County, and to fix the compensation of said Jailer. Power of Board.

SEC. 2. Also, the Board of Supervisors of said county are hereby authorized to appoint one Mapper, upon the application of the Assessor of said Colusa County, and to fix the compensation of said Mapper.

SEC. 3. The Board of Supervisors shall be the judges of the necessity of such appointments.

SEC. 4. The Sheriff shall designate the Jailer, and he shall be under the control of said Sheriff.

SEC. 5. The Assessor shall designate the Mapper, and he shall be under the control of said Assessor.

SEC. 6. This Act shall take effect immediately.

CHAP. CCCLXXXI.—*An Act to regulate and protect bee keeping in the County of San Bernardino.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Any person owning any hive or colony of honey bees, or any number of the same, in the County of San Bernardino, which are diseased with any infectious or contagious disease, who, for the space of ten days after being informed that the same are so diseased, fails to apply some approved and recognized remedy to cure the same, shall be and is hereby made liable to pay to any person suing therefor in any Court of competent jurisdiction, a penalty of two and one-half dollars for each hive or colony so diseased, and to which such person has failed to apply such remedy. Penalty for keeping diseased bees.

SEC. 2. No person, other than one who is the owner of twenty hives or colonies of bees in said county, shall be enti- What persons may sue.

tled to sue for or recover any penalty under this Act; and the recovery of such penalty, as to any hive or colony, by any one person, shall be a bar to any other suit for a like penalty as to the same hive or colony for the term of one year from the date of the judgment.

SEC. 3. In actions brought under the provisions of this Act, the prevailing party shall be entitled to costs of suit.

SEC. 4. This Act shall be in force from and after its passage.

CHAP. CCCLXXXII.—*An Act in relation to juries in Justices' Courts, and witnesses in Courts of record, in the County of Santa Cruz.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Jury; how  
obtained.

SECTION 1. In any civil or criminal action pending in any Justice's Court in said County of Santa Cruz, where a jury shall have been demanded, it shall be the duty of the Justice of such Court to fairly and impartially write the names of thirty persons on a slip of paper; such persons shall be each competent and qualified to act as jurors, as provided in the Code of Civil Procedure of this State. The Justice shall notify the parties that such list is made, and within such time thereafter as the Court may allow, but such time shall not be less than one day, unless the parties agree to a shorter time, the defendant, his agent or attorney, shall strike off one name from said list, then the plaintiff, his agent or attorney, shall strike off one name from said list, and so on alternately until but twelve names remain on said list; *provided*, that in civil cases the parties may agree to any number less than twelve, but not less than three, and in such case the parties shall strike off alternately all on said list to the number so agreed upon. If either or both parties fail to appear in person, by agent or attorney, at the time fixed, the Justice shall represent such absent parties in striking names from such list. The twelve names left on such list, or in civil cases such less number as may be agreed upon, not less than three, left on said list, shall be summoned as the jury in said action.

Writ of  
venire to  
be issued.

SEC. 2. When a jury has been chosen, as provided in section one of this Act, the Justice shall issue a writ of venire, stating the names of the jurors chosen, the time when and place where they are to appear, and shall be directed to the Sheriff or any Constable of said county. The officer receiving such writ shall forthwith proceed to and faithfully summon said jurors by personal service, and duly return his proceedings thereunder.

Additional  
jurors; how  
obtained.

SEC. 3. On the day said jurors are required to appear, if for any cause additional jurors are required, the Justice shall order the Sheriff or Constable to summon a sufficient num-

ber of special jurors, who are competent and qualified, to complete said jury, and in all respects other than above provided all laws now in force in said county in any way relating to juries in Justices' Courts shall be and remain in full force and effect.

SEC. 4. Witnesses in criminal cases in the Courts of record of said county, who attend in obedience to a subpoena, shall be allowed the same mileage as witnesses in civil cases, to be paid from the county treasury of said county, upon the order of the Court in which such witnesses appear. Mileage of witnesses.

SEC. 5. This Act shall take effect immediately.

CHAP. CCCLXXXIII.—*An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for road and bridge purposes.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Mendocino County, in the State of California, are hereby authorized and directed to issue the bonds of said county to the amount of six thousand dollars, payable in six years from the date of their issuance, and bearing interest at the rate of eight per centum per annum, payable semi-annually on the first Monday of July and January of each year. Both principal and interest of said bonds shall be paid only in the coin of the United States. The bonds shall be issued in denominations of not less than one hundred nor more than five hundred dollars each, and shall be signed by the Chairman of the Board of Supervisors, attested by the Clerk of said Board, and countersigned by the Treasurer of said Mendocino County; interest coupons shall be attached to said bonds, and shall be signed and attested in a like manner. Issuance of bonds authorized.

SEC. 2. The bonds and coupons shall be payable at the office of the County Treasurer of Mendocino County, and when any coupons are paid they shall be detached from the bond and canceled by the said Treasurer, as county warrants are required by law to be canceled. Where payable.

SEC. 3. Said bonds shall bear interest from the date of their issuance, and the first coupons shall be for interest from such date up to the first Monday of January next succeeding, and the interest on said bonds shall be paid out of the General Fund of said county.

SEC. 4. To provide for the payment of said bonds, the Board of Supervisors shall, in and for the year eighteen hundred and eighty-four, levy and cause to be collected at the same time and in the same manner as State and county taxes are levied and collected, a sufficient tax to pay the whole issue of said bonds when they shall become due. Redemption tax.

SEC. 5. The bonds authorized by this Act to be issued Bonds; used for what.

shall be used only for the purposes herein provided, to wit: Three thousand dollars, or such part thereof as may be necessary, shall be expended for the construction of a wagon bridge across the Guallala River, conjointly with Sonoma County, at a point to be located as near as practicable to the public ferry on said river near its mouth, on the boundary line dividing Mendocino and Sonoma Counties; *provided*, that said Sonoma County join in the construction of said bridge and pay one-half the cost of construction of said bridge, or an amount equal to the amount expended by Mendocino County; *and provided further*, that no contract shall be let for the construction of said bridge until an advertisement calling for sealed proposals for said construction has been published at least three weeks in some newspaper of general circulation published in the County of Mendocino, and for the same length of time in some newspaper of general circulation published in the County of Sonoma, and for ten days in some daily newspaper printed and published in the City and County of San Francisco.

SEC. 6. Three thousand dollars of said bonds, and any excess over that amount remaining after paying one-half of the cost (or the County of Mendocino's portion thereof) for the construction of the bridge authorized by section five of this Act, shall be expended in making such changes as may be deemed necessary to be made by the Board of Supervisors in the location of the public road leading from the residence of A. C. McDonald, through Anderson Valley, to Navara Ridge, in Mendocino County, and in repairing said road, and in building such bridges as may be by order directed by said Board of Supervisors to be built.

Work to be  
done by  
contract.

SEC. 7. All work authorized by section six of this Act shall be done by contract, and awarded to the lowest and best responsible bidder, after notice having been given by publication in two newspapers of general circulation, published in the County of Mendocino, for a period of at least three weeks next preceding the awarding of the contracts; and no amount shall be allowed or paid on any contract until such contract is fully completed, and the work approved and accepted by the Board of Supervisors.

SEC. 8. In making any and all contracts under the provisions of this Act, the Board of Supervisors shall use and provide for paying out the bonds herein authorized to be issued at their par value.

SEC. 9. This Act shall take effect and be in force from and after its passage and approval.



CHAP. CCCLXXXIV.—*An Act concerning the office of Sheriff of Butte County, and to fix his compensation in certain cases.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Whenever any Sheriff of the County of Butte shall retire from office by reason of the election and qualification of his successor, having in his hands precess which he is required to retain until completed, he shall be entitled to charge and collect such fees for such services as is now allowed to be charged and collected by Sheriffs by the fee bill in force in said county, and shall be allowed to retain and appropriate the same to his own use and benefit.

SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCLXXXV.—*An Act to confer certain powers on the Board of Supervisors of Colusa County, and fixing the time for the meetings thereof.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There shall be six regular terms of the Board of Supervisors of Colusa County each year, as follows: first Monday in January, March, May, July, September, and November.

SEC. 2. In addition to the duties now proscribed by law, the Board of Supervisors of Colusa County shall have power, and it shall be their duty, to examine official bonds of county, townships, and district officers, other than Supervisors, and if found sufficient in form and otherwise, to approve the same; and their approval shall be noted thereon. Whenever any bond shall be deemed insufficient from any cause, whether the same shall have been approved or not, the Board shall require a new or a supplemental bond to be given, and shall issue a citation to such officer, requiring him, on a day therein named, not less than ten nor more than twenty days after date of order, to give a new or supplemental bond, which citation must be served, and return thereof made as in other cases. A failure to give and file a new or supplemental bond, as provided in this section, shall work a forfeiture of the office, and the Board shall declare the same vacant, and shall proceed to fill the vacancy according to law.

SEC. 3. The County Judge of Colusa County, in Chamber,

Powers of  
County  
Judge.

shall have the same powers over the official bonds of the Supervisors of Colusa County, including the approval of the same, as are conferred in section two of this Act upon the Board of Supervisors respecting other official bonds of the county.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act, so far as the same relate to Colusa County, are hereby repealed.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCLXXXVI.—*An Act to authorize the Board of Supervisors of Napa County to pay certain claims.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Payment  
of claims  
authorized.

SECTION 1. The Board of Supervisors of Napa County are hereby authorized and directed to examine, settle, and allow such claims as they may deem just, existing against the Bounty Fund of said Napa County; *provided*, no such claim shall be allowed that shall not be found to have been presented and filed with the Clerk of the Board of Supervisors prior to the first day of November, eighteen hundred and seventy-seven.

SEC. 2. Said Board of Supervisors are also authorized and directed to settle, examine, and allow all such claims or indebtedness as they may deem just, existing against said county for work and labor performed in the construction and repairs of that certain road commonly known as the Knoxville Road, leading from the Town of Calistoga to Knoxville in said county; *provided*, that no such claim shall be allowed which has not been presented and filed with the Clerk of the Board of Supervisors prior to the sixth day of November, eighteen hundred and seventy-five.

SEC. 3. All claims and indebtedness allowed by the provisions of this Act shall, by the Board of Supervisors, be ordered paid out of the Contingent Road Fund of Napa County for the fiscal year of eighteen hundred and seventy-eight-nine.

SEC. 4. This Act shall take effect and be in force on and after its passage.

CHAP. CCCLXXXVII.—*An Act fixing the amount of the official bonds of Colusa County.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The county, district, and township officers of Colusa County must execute official bonds in the following amounts: Sheriff, ten thousand dollars; Tax Collector, one hundred thousand dollars; Clerk, six thousand dollars; Auditor, ten thousand dollars; Recorder, two thousand dollars; Treasurer, one hundred thousand dollars; Assessor, three thousand dollars; District Attorney, two thousand dollars; Public Administrator, ten thousand dollars; Coroner, one thousand dollars; Surveyor, one thousand dollars; School Superintendent, one thousand dollars; Supervisor, two thousand dollars; Justices of the Peace, one thousand dollars; Constables, one thousand dollars; Road Superintendent, five hundred dollars. Bonds of certain officers.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCLXXXVIII.—*An Act to amend an Act entitled "An Act to encourage the destruction of squirrels, gophers, and other wild animals, in the Counties of Los Angeles, Napa, Merced, San Bernardino, and Santa Cruz," approved February thirteenth, eighteen hundred and seventy-two, as to Napa County.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals, in the Counties of Los Angeles, Napa, Merced, San Bernardino, and Santa Cruz, is hereby repealed, so far as the same is made applicable to Napa County. Repeal.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLXXXIX.—*An Act to provide for the building of and furnishing a Court-house, offices, and Jail, in Napa County, and for improving the Court-house grounds.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Napa County are hereby authorized and directed to issue the bonds of the Insurance of bonds.

county to an amount not exceeding eighty thousand dollars, payable at any time after the year eighteen hundred and eighty-three, and within twenty years from the date of their issuance, at the option of said Board, with interest at a rate not exceeding seven per cent. per annum, payable annually on the first Monday of January in each year, both principal and interest to be made payable in United States gold coin only. The bonds shall be issued in denominations of five hundred dollars each, and shall be signed by the Chairman of the Board of Supervisors, and countersigned by the Auditor and Treasurer of said county. Interest coupons shall be attached, signed in like manner.

Where  
payable.

SEC. 2. The bonds and coupons shall be payable at the office of the County Treasurer, and when any coupons are paid they shall be detached from the bonds, and canceled by the Treasurer in the same manner as county warrants are canceled by him, and they shall be deposited by him with the County Auditor, on making his monthly settlement with the County Auditor, and the County Auditor shall give him a receipt therefor.

SEC. 3. The bonds shall bear the date of their issuance, and the first coupon shall be for interest from such date up to the first Monday of January next succeeding.

Interest tax.

SEC. 4. For the purpose of paying the interest on the bonds, the Board of Supervisors shall, at the time of levying the county taxes for each year, levy a special tax on all taxable property in the county, sufficient to pay the interest on all the bonds then outstanding, as the same shall fall due. The special tax thus levied shall be assessed and collected as other county taxes are assessed and collected, and be set apart as a special fund, to be known as the Court-house Bond Interest Fund, and out of this fund the coupons on the bonds shall be paid as they fall due.

Aid from  
County  
Fund.

SEC. 5. If such special tax shall at any time be insufficient to pay the coupons due, the County Treasurer shall make up the deficiency out of the General County Fund of the county. If the amount realized from the special tax exceeds the amount required to pay the coupons, the Board of Supervisors must transfer such surplus to the said General County Fund.

Redemption  
tax.

SEC. 6. In and for the year eighteen hundred and eighty-four, and each year thereafter until all of said bonds are paid, the Board of Supervisors, at the time of levying the county taxes, shall levy and cause to be collected a tax sufficient to pay one-fifteenth part of the whole issue of said bonds, and the tax thus levied and collected shall be set apart as a special fund, to be known as the "Court-house Bond Redemption Fund."

Redemption  
of bonds.

SEC. 7. Whenever there shall be one thousand dollars or more in such Redemption Fund, the Treasurer shall cause a notice to be published once a week for four successive weeks in some newspaper printed in the County of Napa, and also in the City and County of San Francisco, which notice shall state that he is prepared to redeem on a day to be stated therein bonds to the amount of the moneys in the said

Redemption Fund, stating the amount, and that until such day, at twelve o'clock meridian, he will, at his office, receive sealed proposals for the surrender of bonds issued under this Act. Immediately after the hour specified he shall, in the presence of the County Clerk, open all such proposals, and shall redeem such bonds as may be offered at the lowest figure, but no bid above par shall be accepted. If bids are equal, the oldest bond shall have preference. If no bids be put in at par or less, or if a sufficient amount of bonds be not offered to absorb all the moneys in the Redemption Fund, then bonds to the amount of the moneys in such fund not absorbed shall become due and payable out of said fund in the order in which they were numbered, and the Treasurer shall give notice in like manner, as is herein provided for, that such bonds have become due, and all interest thereon shall cease from and after thirty days from the first publication of such notice.

SEC. 8. Whenever any bond shall have been paid, the County Treasurer shall mark the same canceled over his signature, and return the same to the County Auditor in the same manner as redeemed county warrants with interest coupons not then due attached. Canceled-  
tion.

SEC. 9. Before the sale of any bonds, the said Board of Supervisors shall cause to be entered on the minutes of said Board an order directing the sale of a specified amount of said bonds, and the day and hour of such sale, which shall not be less than thirty days after the entry of said order, and shall cause a copy of such order to be inserted in a newspaper published in said county, for at least three successive weeks, and also in one newspaper in the City of San Francisco; and also, that sealed proposals will be received by the said Board for the purchase of said bonds, in United States gold coin; on the day and hour named in said order, the said Board shall open all sealed proposals received by them, and shall award the purchase of said bonds to the highest responsible bidder; *provided*, that said bonds shall not be sold for a less price than par, and that said Board may reject all bids. Sale of  
bonds.

SEC. 10. All the moneys derived from the sale of the bonds shall be paid into the county treasury of Napa County, and the County Treasurer shall give duplicate receipts therefor, one of which receipts he shall deliver to the Chairman of the Board of Supervisors, and the other of which he shall file with the County Auditor, who shall charge said Treasurer with the amount thereof. Proceeds of  
sale; where  
paid.

SEC. 11. The County Auditor and Treasurer shall each keep an account of the bonds issued and the moneys received and disbursed under this Act.

SEC. 12. All moneys derived from the sale of the bonds shall be set apart as a "Court-house Building Fund," and shall be audited, paid out, and expended in the building and constructing a Court-house and Jail, on block number sixteen, in the City of Napa, in Napa County, and the necessary county offices, and furnishing the same and improving the Court-house grounds; any surplus of said fund that shall Disposal of  
proceeds  
of sale.

remain after these objects are accomplished shall be transferred to the General County Fund.

Board to  
adopt  
plans, etc.

SEC. 13. The Board of Supervisors shall, as soon as practicable after the passage of this Act, at a special or a regular meeting, adopt the necessary plans and specifications, and shall not be governed by an Act of the Legislature of this State, entitled "An Act to regulate the erection of public buildings and structures," approved April first, eighteen hundred and seventy-two.

Board to  
proceed with  
construction  
of works  
upon ap-  
proval of  
plans, etc.

SEC. 14. As soon as practicable, after a plan and specifications have been adopted, the Board of Supervisors shall proceed with the erection and construction of the buildings authorized by this Act, in accordance with the plans and specifications so adopted; and for that purpose shall have full power and authority to do and perform all acts and things which may be requisite and necessary to carry out the provisions of this Act; but the contract or contracts for the erection of the buildings, furnishing thereof, and improving the Court-house grounds, shall be let to the lowest responsible bidder or bidders, after due public notice, once a week for four successive weeks, in one or more newspapers printed in said Napa County, and in one newspaper printed in the City of San Francisco; but no contract or contracts for constructing said Court-house, and offices, and Jail, and furnishing the same, and improving the Court-house grounds, shall, in the aggregate, exceed the said sum of eighty thousand dollars; and all contracts entered into, or liabilities created or incurred in excess of said sum, shall be absolutely null and void, and said Board shall so specify in all contracts; said Board shall take security for the faithful performance of such contracts, which shall be approved by the Chairman of said Board.

Appoint-  
ment of  
Commis-  
sioner, and  
duties of.

SEC. 15. The Board of Supervisors shall appoint a Commissioner, who shall be a skillful architect or master builder, to aid said Board in selecting suitable plans and specifications for the erection and construction of said buildings, and said Commissioner shall, from time to time, critically inspect and examine all the materials used and to be used in the erection and construction of said public buildings, and the sufficiency of the workmanship thereon, and report the result of his examination to said Board, or any member thereof; and if it shall appear from such report or otherwise, that the material or any part thereof so used in said buildings shall not be of a good and substantial quality, and the same shall not be built in a skillful and workmanlike manner, and in strict conformity with the contract made and entered into by said contractor or contractors and the said Board of Supervisors, said public buildings shall not be accepted by said Board nor their duly appointed Commissioner for said purposes. After the adoption of such plans and specifications, no change or alteration shall be made therein whereby the cost of the building shall either be increased or diminished, except upon the unanimous concurrence of the Board of Supervisors and the Commissioner, and if any change or alteration therein shall be made the

same shall be specified in writing and in detail, and attached to and made a part of the plans and specifications. After entering into any contract, the same shall not be altered or changed in any manner, unless the alteration or change shall be indorsed thereon or attached thereto, and signed by the parties thereto; and such indorsement shall specify in detail wherein the alteration or change consists, and the cost thereof or deduction therefor. No allowance shall be made for any extra work under such contracts.

SEC. 16. The Commissioner mentioned in the last preceding section shall be paid a reasonable compensation for his services.

SEC. 17. All payments for costs and expenses of carrying this Act into effect, including the cost of plans and specifications, Commissioner's compensation, and for the construction and furnishing the Court-house, offices, and Jail, and improving the Court-house grounds, shall be paid by warrants drawn on the Court-house Building Fund; *provided*, that the said Board may stipulate that a part or all said contracts may be paid in said bonds, at their par value.

Payments for expenses; how made.

SEC. 18. The buildings constructed under the provisions of this Act shall not be subject to the lien of any contractor, sub-contractor, mechanic, lumberman, laborer, or other person whatsoever, for any labor, material, or other things furnished in the erection or construction of said buildings.

Buildings not subject to lien.

SEC. 19. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 20. This Act shall take effect from and after its passage.

CHAP. CCCXC.—*An Act to amend an Act entitled an Act to provide for the grading of public alleys and the construction of sewers therein in the City of Sacramento, approved March twenty-first, eighteen hundred and sixty-eight.*

[Approved March 27, 1873.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two of the above entitled Act is hereby amended to read as follows: Section 2. If the owners, or their duly authorized agents, of more than one-half in extent of the lands and lots in any block of land visected by any such alley shall petition said Board of Trustees, in writing, to cause a sewer to be constructed through the same, the said Board of Trustees shall order the same to be done, or whenever the Board of Health of the City of Sacramento shall, by an order duly made and entered on their records, declare that it is necessary for the public health or cleanliness that a sewer should be constructed in any public alley in said city, and shall have delivered a certified copy of said order to the Board of Trustees, the said Board of Trustees

Construction of sewers.

Costs; by  
whom paid.

shall order such sewer or sewers constructed, and proceed in the same manner as if said work had been petitioned for by the requisite number of property owners, as above. The cost of constructing that portion of all sewers that extend across streets, or that extends from the line of the block to the main sewer, shall be paid by the city, out of the Special Street Fund.

CHAP. CCCXCI.—*An Act to regulate fees and salaries in the County of Los Angeles.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Salaries of  
county  
officers.

SECTION 1. The County Clerk of the County of Los Angeles, for his services as such, and as Clerk of the Courts of record of the county, and Clerk of the Board of Supervisors, and for services in all other capacities, shall receive an annual salary of three thousand dollars (\$3,000).

SEC. 2. The County Recorder shall receive an annual salary of two thousand four hundred dollars (\$2,400).

SEC. 3. The County Auditor shall receive an annual salary of one thousand eight hundred dollars (\$1,800).

SEC. 4. The County Treasurer shall receive an annual salary of one thousand five hundred dollars (\$1,500), and the mileage paid by the State.

SEC. 5. The Tax Collector shall receive an annual salary of one thousand eight hundred dollars (\$1,800).

Consolida-  
tion of  
offices.

SEC. 6. The Board of Supervisors may, by an order made at least six months before any general election, provide that either the Recorder or County Clerk shall be ex officio Auditor and the Treasurer ex officio Tax Collector; and in that event the salary of the consolidated office of Recorder, or County Clerk and Auditor, and that of the consolidated office of Treasurer and Tax Collector shall be two thousand four hundred dollars.

Percentage  
allowed to  
Assessor.

SEC. 7. The Assessor shall receive an annual salary of two thousand five hundred dollars (\$2,500), and he or his deputies shall also receive for services in collecting the taxes on personal property, and the road and other poll taxes, for the portion belonging to the county, five per cent., and for the portion belonging to the State, such percentage as is now allowed to the county or provided by law.

SEC. 8. The Superintendent of Public Schools shall receive an annual salary of one thousand dollars (\$1,000).

SEC. 9. The District Attorney shall receive an annual salary of three thousand dollars (\$3,000).

SEC. 10. The County Judge shall receive an annual salary of three thousand dollars (\$3,000).

SEC. 11. The Supervisors, for each day's necessary attendance at meetings of the Board, shall receive each the sum of



five dollars, and the Chairman, in addition, the sum of one dollar. Each Supervisor shall also be allowed mileage, at the rate of twenty cents per mile, traveling from his residence to the county seat to attend meetings of the Board; but mileage shall be allowed only once for each term. Each Supervisor acting as ex officio Roadmaster of his district shall receive therefor an annual salary of one hundred dollars (\$100).

SEC. 12. The Sheriff shall receive the fees and compensation specified in the twelfth section of the Act entitled "An Act to regulate fees of office, and salaries of certain officers, and to repeal certain other Acts in relation thereto," approved March fifth, eighteen hundred and seventy, except that he shall not receive the mileage and the compensation as Tax Collector therein prescribed. He shall also receive the fees and compensation specified in the Act entitled "An Act to regulate the fees of the Sheriff of Los Angeles County," approved March sixth, eighteen hundred and seventy-six. He shall also receive mileage for the necessary traveling done by him in serving any summons, or other process, notice, rule, order, subpoena, venire, attachment, execution, or other writ, or to hold inquest, or in bringing up a prisoner on habeas corpus, for each mile necessarily traveled, to be computed in all cases from the Court-house, twenty cents a mile for going only. If any two or more papers be required to be served in the same suit or proceeding, at the same time and in the same direction, one mileage only shall be charged, and in serving a subpoena or venire, when two or more witnesses or jurors live in the same direction, mileage shall be charged only for the most distant.

SEC. 13. The Coroner shall receive the fees specified in the twenty-fourth section of the said Act of March fifth, eighteen hundred and seventy, cited in section twelve (12), and for services as Sheriff the fees allowed for like services to the Sheriff.

SEC. 14. The Surveyor shall receive the fees specified in section twenty-five (25) of said Act.

SEC. 15. Justices of the Peace shall receive the fees specified in section twenty-six (26) of said Act.

SEC. 16. Constables shall receive the fees specified in section twenty-three (23) of said Act.

SEC. 17. Court Commissioners shall receive the fees specified in section twenty-nine (29) of said Act.

SEC. 18. Interpreters and translators shall receive compensation as specified in section thirty-three (33) of said Act.

SEC. 19. Notaries Public shall receive the fees specified in section eight (8) of said Act.

SEC. 20. The Public Administrator, for each estate administered by him, shall receive the compensation and allowances prescribed by law for executors and administrators.

SEC. 21. The County Clerk, Recorder, Assessor, Auditor, Treasurer, Tax Collector, District Attorney, Sheriff, Surveyor, and Constables may appoint deputies, but such deputies shall not receive any compensation, unless from their principals, except in the cases next hereinafter provided. The Board

of Supervisors may prescribe the number of deputies or employés to be employed by the County Clerk, Recorder, Tax Collector, and Assessor, that may be necessary for the efficient performance of the duties of said officers, and said deputies shall be paid by the county. The salaries of said deputies shall be fixed by the Board of Supervisors, and shall not exceed the following amounts, viz.: For the principal deputy of the Clerk and of the Recorder, not more than one hundred and twenty-five dollars (\$125) a month; and for other deputies, not more than one hundred dollars (\$100) a month; for Deputy Assessors, not more than four dollars per day for the time actually employed in the discharge of their duties; and, in addition, the percentage provided in section seven of this Act; and for a Deputy Tax Collector, not more than one hundred dollars per month, but said deputy not to be paid more than for three months in any one year.

Salaries of  
deputies.

Compensa-  
tion of  
jurors.

SEC. 22. Grand and trial jurors shall receive two dollars per day for attendance upon a Court of record, and twenty cents per mile for traveling from their residences to said Court. Jurors attending upon Justices' and Municipal Courts shall receive one and a half dollars per day, but no mileage. Jurors excused from attendance on their own motions, on the first day, shall not receive per diem. In civil cases, the party in whose favor the verdict is rendered, before the same is entered, shall pay the jury fees, but may recover the same from the losing party. If, in a civil case, the jury be discharged without rendering a verdict, the party who demanded the jury shall pay their fees, but may recover the same as costs, if he afterwards obtains judgment; and until the fees are paid, no further proceedings shall be had in the case, unless required by the other party. Clerks of Courts of record shall keep an account of all moneys received for trials by each juror attending such Court during the term, and if the sum so received shall not amount to two dollars per day and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is still entitled to receive pay, which shall be paid out of the county treasury as other county dues.

Duties of  
Clerks of  
Courts.

Compensa-  
tion of  
witnesses.

SEC. 23. Witnesses shall receive, for attending before any Court of record, Commissioner, Referee, Notary Public, or Justice of the Peace, or any Justice's or Municipal Court, two dollars per day, and for traveling to the place of testifying, except when the witness lives in the same township, twenty cents per mile. No person shall be obliged to attend or testify, in a civil case, unless his fees shall have been tendered, or he shall not have demanded the same. Witnesses attending on behalf of the people, by virtue of a recognizance, or upon a subpoena, shall receive a certificate of the amount due them from the Clerk, Commissioner, Referee, Notary, Justice, or Judge of the Municipal Court, as the case may be, which certificate shall be approved by the District Attorney, and the amount due shall be paid out of the county treasury, as other county dues. No officer shall issue a subpoena for a witness on behalf of the people, unless he deems that the public interest requires it, or unless the prosecutor

or other party demanding it shall advance the witnesses' fees. In all cases of conviction, the costs of the witnesses of the people shall be taxed against the defendant and collected as part of the judgment, and shall be paid by the Court or Clerk, as the case may be, into the county treasury, on the first Monday of each month, accompanied by a verified statement thereof. The moneys thus paid into the treasury shall constitute a Witness Fund, out of which the witnesses' fees, above provided to be paid by the county, shall be paid; and in case of deficiency, the same shall be supplied out of the Current Expense Fund.

Costs collected; from whom.

SEC. 24. The salaries and compensation in this Act prescribed shall be in full for all services performed by, or required by law of, the persons receiving the same.

SEC. 25. The salaries of the County Clerk, Recorder, Auditor, Treasurer, Tax Collector, Assessor, Superintendent of Public Schools, District Attorney, County Judge, Supervisors, and the salaried deputies mentioned in section twenty-one, shall be paid monthly; and the County Auditor shall, at the end of each month, draw his warrant in favor of said officers, respectively, for the amount due them, and the County Treasurer shall pay the same out of the funds herein specified.

Salaries; how paid.

SEC. 26. The fees of the Recorder, and of the County Clerk as such and in his ex officio capacities, and the fees, percentages, and other compensations of the Auditor, Treasurer, Tax Collector, and Assessor, now established by law, shall continue to be the established fees, percentages, and charges; and the laws now in force, so far as they establish the same, shall continue in force. The fees of the Recorder, and of the County Clerk as such and in his ex officio capacities as Clerk of the Courts of record of the county here referred to, are those specified in the fourth section of the Act of March fifth; eighteen hundred and seventy, hereinbefore referred to. The fees, percentages, and charges mentioned in this section (except where due from the State or county, or where allowed to the Assessor or his deputies under section seven of this Act) shall be paid in advance to the proper officers respectively, and shall by them be paid into the county treasury for the use of the county, as next hereinafter specified. The officers collecting such moneys shall keep a correct account thereof, and on the first Monday of each month shall pay the same into the county treasury; and at the same time, except in the case of the County Auditor, shall file with the County Auditor and with the Clerk of the Board of Supervisors verified statements, in detail, showing the services performed and the amounts severally received therefor. Similar statements shall be filed by the Auditor with the Clerk of the Board of Supervisors and the Treasurer. The moneys paid into the county treasury, together with the amounts heretofore paid by the county for the services referred to in this section, shall constitute a Salary Fund, out of which the salaries and compensations of the salaried officers named in this Act, and

Fees to continue.

Advance fees.

Duties of collecting officers.

Salary Fund.

their salaried deputies, shall be paid. Any balance remaining in the Salary Fund on the first Monday of March of each year shall be transferred to the Current Expense Fund. In case of deficiency in the Salary Fund, the salaries herein provided for shall be paid out of the Current Expense Fund.

Fee officers  
to file state-  
ment.

SEC. 27. Officers receiving fees as compensation for services under this Act shall, on the first Monday of each month, file with the Clerk of the Board of Supervisors a verified statement, in detail, showing all amounts received, and the services for which the same were received.

Misde-  
meanor.

SEC. 28. It shall be a misdemeanor for any officer having a salaried deputy to demand or receive from such deputy any part of his compensation as herein prescribed.

Removal  
from office

SEC. 29. If any officer named in this Act shall fail to make and file any statement required by this Act, or if any officer required by this Act to pay fees or other moneys received by him into the county treasury, shall fail to pay any of such moneys into the county treasury as herein required, or shall fail to keep an accurate account of all such moneys received by him, he shall be removed from his office; and it is hereby made the duty of the Board of Supervisors to cause proceedings to be instituted against such officer, under the provisions of the Act entitled "An Act providing for the removal of civil officers for the violation of official duties, approved March thirtieth, eighteen hundred and seventy-four.

Misde-  
meanor.

SEC. 30. Any officer required by this Act to pay fees or other moneys received by him into the county treasury, who shall convert any of such money to his own use, or who shall fail to pay any of such money into the county treasury, as required by this Act, shall be deemed guilty of a misdemeanor.

SEC. 31. No salary shall be paid to any officer, under this Act, while in default in the performance of any duty required by the Act.

Board may  
appoint  
expert.

SEC. 32. The Board of Supervisors are authorized, whenever they deem it necessary, to employ a competent expert to examine the books of accounts of the several officers herein referred to, and also all other books and papers in their offices, and to compare the same with the statements made by them, and to report upon the correctness of said accounts and statements. The said expert shall also, if he deems necessary, examine said officers and their deputies under oath, and to that end is authorized to administer oaths to said officers and their deputies.

Certain pro-  
visions not  
applicable to  
present  
incumbents

SEC. 33. The provisions of this Act, so far as they provide for a change in the salaries or compensation of officers, and the payment of deputies, and the provisions of section twenty-six (26) of this Act, so far as they provide for the payment of the fees and other compensation of the officers herein named into the county treasury, and the statements to be made by them, shall not apply to the present incumbents, but the officers now in office shall continue to receive the fees, salaries, and compensation now provided by law. Such officers shall, however, be subject to all the other pro-

visions of this Act, and the present incumbents of the salaried offices shall be subject to the provisions of section twenty-seven (27).

CHAP. CCCXCII.—*An Act to confer certain powers upon the Board of Auditors of El Dorado County.*

[Approved March 27, 1875.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows.*

SECTION 1. At their first meeting after the passage of this Act, it shall be the duty of the Board of Auditors of El Dorado County to hear and consider the claim of Wm. M. Donahue, ex-Tax Collector of said county, for compensation for services rendered and expenses incurred by him in the collection of taxes on real and personal property in said county for the fiscal years eighteen hundred and seventy-two and three and eighteen hundred and seventy-three and four, and for such services and expenditures they shall allow him such compensation as to them shall seem just. Any allowance made under the provisions of this Act shall be paid out of the Current Expense Fund of said county, upon which fund, when said allowance has been made, the County Auditor of said county shall draw warrants in sums not exceeding five hundred dollars each for the payment thereof, and the Treasurer shall register and pay the same in the same manner and order as other warrants against said fund are registered and paid.

Consolidation of claim authorized.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXCIII.—*An Act to establish and maintain a Free Dispensary in the City and County of San Francisco.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate the sum of twenty-five hundred dollars per annum, payable out of the Urgent Necessity Fund of the said city and county, said sum of money to be used for the purchase of medicines to be dispensed gratuitously to the indigent sick not inmates of public institutions.

Appropriation authorized.

SEC. 2. The Auditor of the City and County of San Francisco is hereby directed and authorized to audit and allow, out of the Urgent Necessity Fund, the sum named in pre-

Duty of Auditor.

ceding section, and to issue his warrants therefor in favor of the President of the Board of Health of the City of San Francisco, the amount to be drawn quarterly; the said sums to be appropriated as the Board of Health of the City of San Francisco may, in their judgment, direct, for the purpose of establishing one Free Medical Dispensary, of each established system of medicine, in said city.

Medicine  
furnished

SEC. 3. The Board of Supervisors are also authorized, should they deem it expedient, to furnish medicine to the indigent sick of the Magdalen Asylum, the same to be furnished at the City and County Hospital of said city.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXCIV.—*An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Swamp land  
district  
declared.

SECTION 1. The territory included within the boundaries described in section two of this Act is hereby set apart and erected into a swamp land district, to be known and designated as Swamp Land District Number Seventy, of Sutter County.

Boundaries  
defined.

SEC. 2. The boundaries of said district shall be as follows, to wit: Commencing at the center of section twenty-six (26), in township fifteen (15) north, of range one (1) east, of Mount Diablo base and meridian; thence running west to the segregation line between swamp and highlands, at the southwest corner of the northwest quarter of section twenty-nine (29) of said township and range; thence northwesterly, following said line of segregation, to a point where the same intersects Butte Slough; thence down and along said Butte Slough to the line dividing section six (6), township and range aforesaid, into north and south halves; thence east to the line of segregation between swamp and highlands; thence east and south following said line of segregation to the southeast corner of the west half of the southwest quarter of section fourteen (14) of the aforesaid township and range; thence due south to the southwest corner of the east half of the northwest quarter of section twenty-three (23), township and range aforesaid; thence southeasterly, following the line of levee as now constructed, to a point twenty chains east of section twenty-six of said township and range; thence west to the place of beginning.

By-laws  
continued  
in force.

SEC. 3. The by-laws adopted and recorded in Swamp Land District Number Seventy, as the same existed prior to its reorganization hereunder, are hereby continued in force so far as the same are consistent with the provisions of this

Act; and the Trustees elected under said by-laws are hereby continued in office for the terms for which they were respectively elected, with the powers and duties enumerated in sections three thousand four hundred and fifty-two and three thousand four hundred and fifty-four of the Political Code of this State.

SEC. 4. For the purpose of raising funds for the payment of any indebtedness of said district, and for the construction, maintenance, and repairs of levees and works of reclamation therein, together with the incidental expenses of the management of the affairs thereof, the Board of Supervisors of Sutter County are hereby authorized and directed, upon the written petition of the Trustees of said district, to appoint three disinterested, competent persons, residents of the county, as Assessment Commissioners, and shall issue to each of them a certificate of appointment, as in the case of county officers.

Assessment  
Commissioners.

SEC. 5. Within ten days after receiving notice of their appointment, and before proceeding to discharge their duties, each of said Commissioners shall subscribe an oath, indorsed upon his certificate of appointment, which shall be filed in the office of the Clerk of the county, that he has no interest, direct or indirect, in the lands within the said district, and that he will, to the best of his ability, without fear or favor, perform all the duties of Assessment Commissioner. Their compensation shall be fixed by the Board of Supervisors at the time of their appointment, not to exceed five dollars per day for the time necessarily employed, and shall be paid, together with any necessary expenses in the performance of their duties, by the Trustees of the district, in the manner as other claims against the same are paid.

Commissioners to  
subscribe  
oath.

SEC. 6. Said Commissioners, immediately after being qualified, shall give notice by posting the same for not less than ten days in three public places within the district, stating that on a day and hour, and at a place within the district to be named in said notice, they will hold a meeting to determine the amount to be charged on each forty-acre tract or lot, as known by the United States system of surveys, within the district, for the benefits received or to be received from the works of reclamation therein, so as to furnish a basis by which the lands of said district may be assessed to raise the amount requisite for the purposes expressed in section four of this Act.

Notice of  
meeting to  
determine  
assessment.

SEC. 7. The Commissioners shall meet in pursuance of such notice, and shall continue in session for not more than ten days, and within ten days thereafter they shall prepare a list, to be entitled "Assessment List of Swamp Land District Number Seventy," which shall contain a description of each forty-acre tract or lot within the district, as known by the United States system of surveys, the number of acres in each tract or lot, the names of the owners thereof, if known, or if not then stating them as unknown, and the amount in United States gold coin to be charged on each of said forty-acre tracts or lots, which amount shall be ascertained by apportioning the whole cost of the works of reclamation

Commissioners to  
prepare  
assessment  
list.

Meeting  
held to hear  
objections

according to the benefits which each of said tracts or lots has received or may receive from such works. The said list shall be certified by the Commissioners, and filed with the Clerk of the Board of Supervisors, who must immediately give notice thereof and of the time the Board will meet for hearing objections to said list, which time must be on some day to be specified in the notice of the next regular meeting of the Board after the filing of said list with the Clerk. Such notice must be given by publication for two weeks in a newspaper published in the county. At such hearing the said Board of Supervisors, upon good cause shown, may alter any or all of the assessments charged on the lands in said list, and its decision shall be final. The Clerk of the Board shall enter on the list any alterations so made by the Board, and shall thereupon deliver the same to the County Auditor.

Trustees to  
report  
statement.

SEC. 8. The Board of Trustees of said district shall, as soon as practicable after the passage of this Act, and annually thereafter, whenever further assessments are required, report to the said Board of Supervisors a statement showing: first, the plans of the work done or to be done, and estimates of the cost; second, the amount of the outstanding indebtedness of the district, if any, and the proportion of not less than ten per cent. to be paid, together with estimates of the probable cost, repairs, and incidental expenses for the ensuing year, and the Board of Supervisors shall therefrom ascertain and transmit to the Auditor a certificate of the rate of assessment which it will be necessary to levy on the aggregate of the amount charged on the tracts and lots described in the assessment list, in order to raise the requisite amount as shown by the report of the Trustees, and shall direct the Auditor to prepare a copy of said list, and to enter thereon, opposite to each tract or lot therein described, the amount of assessment to be collected from the owner or claimant of each of said tracts or lots, at the rate indicated.

Duty of  
Auditor.

SEC. 9. The County Auditor, after making the entries on the copy of the assessment list, as hereinbefore provided, shall sign the same and file it in the office of the Treasurer of the county, who shall note on said list the date of filing, and the assessment shall thereupon be due and payable, and become a lien on each and every tract and lot described in said list.

Treasurer  
to give  
notice of de-  
linquency.

SEC. 10. The County Treasurer shall thereupon give notice, by publication in a newspaper published in the county, that the assessment list of Swamp Land District Number Seventy has been filed in his office, and the date of the filing; that the amounts entered thereon are due and payable; that if not paid on or before the first Monday of January ensuing, the same will become delinquent and be returned to the Tax Collector of the county for collection. He shall note on the list all assessments paid, and if at such time all the assessments have not been paid, he shall return the list to the Tax Collector of the county, who shall proceed to collect such delinquent assessments, with five per cent.



thereon, and pay over the same to the County Treasurer, in the same manner as State and county taxes are collected and paid.

SEC. 11. The County Treasurer shall be entitled to receive one per cent. on the amounts received by him for assessments paid under the provisions of this Act, and the Auditor and Tax Collector such sums as are allowed them by law for like services, to be paid out of the funds of the district as other claims against the same are paid. The District Attorney is hereby required, when called upon, to act as legal adviser of the Board of Trustees, without compensation other than his regular salary. See of Treasurer.

SEC. 12. All indebtedness created by the Board of Trustees of Swamp Land District Number Seventy, prior to the passage of this Act, is hereby made a legal charge against the district as reorganized hereunder, and all assessments levied upon the lands of the district prior to the passage of this Act shall be just as valid and binding, both in law and equity, against the lands assessed, as they were under the law by which they were levied; but nothing in this Act shall be so construed as to either legalize or invalidate any assessment levied prior to the passage of this Act. Indebtedness made legal charge.

SEC. 13. The provisions of Article Two, Chapter One, Title Eight, of the Political Code, relative to swamp land districts, so far as the same are not in conflict with this Act, and also an Act entitled an Act relating to Swamp Land District Number Seventy, Sutter County, approved March thirtieth, eighteen hundred and seventy-two, are hereby continued in force and made applicable to said district as hereby reorganized, and all other Acts and parts of Acts in conflict herewith are hereby repealed. Political Code made applicable.

SEC. 14. This Act shall take effect and be in force from and after its passage.

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CHAP. CCCXCV.—[See volume of *Amendments to the Codes*.]

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CHAP. CCCXCVI.—*An Act amendatory of and supplementary to an Act entitled an Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of an Act entitled an Act to prescribe the duties and provide the salary of certain officers of Repeal.

San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four, is hereby repealed.

Duty of Tax  
Collector.

SEC. 2. Section two of said Act is hereby amended so as to read as follows: Section 2. Between the first day of November and the thirty-first day of December, in each year, the Tax Collector shall set apart one day, to be named by him, to receive taxes, of which due notice shall be given, at each of the following places, viz.: School House Station, San Mateo, Spanish Town, and Pescadero, and during all other days, from the time taxes become due and payable until the same become delinquent, he shall be in his office at the county seat to receive the same.

Salary of  
Sheriff.

SEC. 3. Section eight of said Act is hereby amended so as to read as follows: Section 8. The Sheriff of said county shall be ex officio Collector of taxes and licenses, and receive for all service performed by him, or his deputy or deputies, as such Sheriff and ex officio Collector of taxes and licenses, in addition to the mileage allowed by law, and such reasonable charge for feeding prisoners as the Board of Supervisors may allow, the sum of four thousand three hundred dollars per annum, to be paid monthly out of the county treasury. The Sheriff shall have power to employ one additional deputy, at a salary not to exceed five hundred dollars per annum.

SEC. 4. Section nine of said Act is hereby amended so as to read as follows: Section 9. The Sheriff, and County Clerk and ex officio County Recorder of said county, and their deputies, shall continue to charge and collect such allowance, charges, fees, and percentages as are allowed by law for services performed by them as Sheriff, ex officio Collectors of taxes and licenses, and as County Clerk and ex officio County Recorder, Clerk of the District Court, County Court, Probate Court, Clerk of the Board of Equalization, and Clerk of the Board of Supervisors, and shall pay all such moneys into the county treasury, as provided in the next section.

Certain  
officers to  
subscribe  
oath.

SEC. 5. Section eleven of said Act is hereby amended so as to read as follows: Section 11. On presenting the Treasurer's receipt to the Auditor, the County Clerk and ex officio County Recorder shall take and subscribe to the following oath: I (with name), County Clerk and ex officio County Recorder of San Mateo County, do solemnly swear that the receipt of the Treasurer, this day presented to the Auditor, covers the whole amount of money received by me or my deputy (or deputies), as County Clerk, ex officio County Recorder, Clerk of the District Court, Probate Court, County Court, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, during the month of (insert month). And the Sheriff shall take and subscribe the following oath: I (with name), Sheriff of San Mateo County, do solemnly swear that the receipt of the Treasurer, this day presented to the Auditor, covers the whole amount of money received for allowances, fees, percentages, and charges of every kind made and collected by myself or deputy (or deputies), for all

services performed as Sheriff and ex officio Collector of taxes and licenses for the month of (insert month), and that the said amount was all the money received by me or my deputy (or deputies) in, through, or by virtue of my office of Sheriff, ex officio Collector of taxes and licenses, except for mileage allowed by law, and the allowances made by the Board of Supervisors for feeding prisoners.

SEC. 6. Section thirteen of said Act is hereby amended so as to read as follows: Section 13. If the said County Clerk and ex officio County Recorder, by himself, deputy, or deputies, as County Clerk, ex officio County Recorder, Clerk of the District Court, County Court, Probate Court, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, or if the said Sheriff, by himself, or deputy, or deputies, as Sheriff and ex officio Collector of taxes and licenses, shall either of them demand, accept, or receive for their own use any other or further sum, for any official service, than is herein allowed, they, or either of them, shall forfeit their office, and moreover shall be subject to a penalty of one thousand dollars for each and every such offense, for which they shall be liable on their bond. Upon the petition of ten citizens, residents, taxpayers of the county, the Board of Supervisors of the county shall immediately institute suit to recover the penalty herein provided.

Removal from office and penalty for malfeasance.

SEC. 7. This Act shall take effect and be in force from and after the first day of March, A. D. eighteen hundred and eighty.

CHAP. CCCXCVII.—*In Act to amend an Act to prevent hogs from running at large in the Town of Shasta, approved February twenty-sixth, eighteen hundred and seventy-two, so as to make the same applicable to the Town of Redding, in Shasta County, and the Town of Modesto, in Stanislaus County.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The provisions of an Act to prevent hogs from running at large in the Town of Shasta, approved February twenty-sixth, eighteen hundred and seventy-two, are hereby extended so as to be applicable to the Town of Redding, in Shasta County, and the Town of Modesto, in Stanislaus County.

Provisions of Act made applicable.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXCVIII.—*An Act to authorize the construction of a public wagon road in the County of San Bernardino, and to provide for the payment of the cost of the same.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Survey of  
route, and  
expenditure  
authorized.

SECTION 1. Within six months after the passage of this Act, the Board of Supervisors of San Bernardino County shall cause to be surveyed a route for a public road from the San Bernardino Valley, in said county, to the timber lands on the San Bernardino Mountains to the northward from the Town of San Bernardino, in said county, and shall cause to be filed in the office of said Board a map of said survey, showing the location of said route, the grade of the same, and its courses and distances; and for the purpose of making said survey and map, said Board are authorized to expend out of the General Fund of the county, in the county treasury, the sum of five hundred (500) dollars, and the cost of said survey shall not exceed that sum.

Upon peti-  
tion, the  
Board to  
investigate.

SEC. 2. At any time after said survey has been made and map thereof filed, upon a petition of two hundred taxpayers of the county, asking the Board to proceed under this Act to construct said road, the Board shall investigate the matter, and if it finds the following facts to exist, to wit:

*First*—That said route is suitable for a public road over which ordinary farm wagons, with ordinary team and common brake, can pass up and down with a reasonable load, after the construction of a road thereon;

*Second*—That the cost of constructing a road on said route will not exceed twenty thousand dollars;

*Third*—That a road on said route will furnish to the public of said county easy access to the timber lands on said mountains, describing the route generally;

Election to  
be held.

Then said Board shall enter upon its minutes the facts so found, together with an order stating that a special election shall be held in said county, at a time to be designated in said order, and at which shall be submitted to the electors of said county, and voted upon by them, the sole question whether said road shall be constructed or not; and upon the ballots used at such special election shall be written or printed the words "For the Mountain Road," or "Against the Mountain Road."

SEC. 3. Such election shall be held in strict accordance with the general election laws of this State, in so far as a different rule is not expressly provided for herein.

Deficiency of  
registers;  
how sup-  
plied.

SEC. 4. If there are not sufficient copies of the Great Register on hand in the office of the County Clerk of said county to supply the different precincts with the required number of copies thereof, then, and in that case, the copies of said Great Register used at the last election in said county may be used at such special election, and no copies of said Great Register need be posted at or near the polls, as is pre-

scribed by general law; and if such copies on hand have been used at any previous election, then the letter "V" may be inserted in the proper column, instead of the word "voted," opposite the name of the elector voting.

SEC. 5. A notice of said election shall be published, for thirty days, in every newspaper printed and published in the county which will publish the same at regular rates; but if any newspaper publisher has contracted to do the county printing, then the publication of said notice, in the county official paper, shall be done subject to the terms of such contract, which said notice shall contain the following matters:

Cost and contents of notice.

*First*—A certified copy of the findings of fact and order of election required to be entered on the minutes of the Board by section two.

*Second*—A list of the precincts of the county, and the names of the Judges and Inspectors of Election, appointed by said Board of Supervisors. Said notice shall be signed by the Clerk of the Board of Supervisors.

SEC. 6. The publisher of each newspaper in which said notice is published under the provisions of this Act shall, at the expiration of such publication, file with the Clerk of the said Board an affidavit showing the fact of such publication; *provided*, that if said notice is correctly published in two newspapers of said county for the requisite time, no defect in or failure to publish in other papers, according to the provisions of this Act, shall in any manner invalidate any election held under the provisions hereof.

Publisher to file affidavit.

SEC. 7. It shall be the duty of the Board of Supervisors of said county to meet, on the second Monday after such election shall have taken place, as a Board of Canvassers, and to canvass the returns of such election; and if a majority of the ballots legally cast at such election shall be found to have been those containing the words "For the Mountain Road," then it shall be the duty of the Board of Supervisors of said county to proceed to construct said road, upon said surveyed route, in the manner hereinafter designated.

Canvassing of returns.

SEC. 8. The said Board is to have full charge and control of the construction of said road, and when necessary may employ a civil engineer to superintend work on said road, and to make detail drawings of sections thereof, and to mark on the said route the grade at necessary points; and said Board shall divide said road into a reasonable number of sections, for the purpose of letting contracts for construction, so that each section shall be accessible at least at one point.

Power of Board.

SEC. 9. After said route shall have been divided into sections, and the grade stakes placed thereon, showing width of roadway, depth of cuts, and height of fills, the Board shall advertise for bids for the construction, by sections, of said road. Such advertisement shall be signed by the Clerk of the Board, and published in one or more newspapers, to be designated by the Board of Supervisors, for a time not less than twenty days before bidding shall close, and said notice of receiving bids must state:

Board to advertise for bids.

Advertisement shall state what.

*First*—The section or sections to be let.

*Second*—The time up to which sealed bids will be received.

*Third*—That each bidder shall file with his bid a bond, with justified sureties, in the sum of five hundred dollars, conditioned that the bidder will execute a contract according to blank copy on file in the office of the Clerk of the Board, with approved surety for its performance in case his bid is accepted, and in default thereof that the bidder will pay to the County of San Bernardino the amount of the bond.

*Fourth*—Said notice, for further particulars, shall refer to this Act by title and page of statutes, to the grade stakes on the route, and to the map and other files in the office of the Board of Supervisors.

Attorney to  
file draft of  
contractor's  
agreement.

Provisions to  
be made in  
draft.

SEC. 10. On or before the day that notice for bids is published, as hereinbefore provided, the District Attorney of the county shall file with the Clerk of the Board of Supervisors, for the guidance of bidders, a draft of a contractor's agreement with said county, which draft must be submitted to and be subject to correction or modification by the Board of Supervisors before the same is filed. Such draft, among other provisions calculated to protect the county, shall provide for stipulated damages for its breach, in an amount to be fixed by the Board, and also that no Chinese shall be employed on the work, and that a bond with ample security shall accompany the contract, and that the contract price will be paid in county warrants upon the Mountain Road Fund as herein provided, and that all work must be done under the supervision and inspection of the Board of Supervisors, and an engineer employed by said Board. Partial payments to be made as the work progresses, in proportion to the work done.

Consideration of bids.

SEC. 11. At the time and place designated in the advertisement for bids, the Board of Supervisors shall meet and open any and all bids that shall have been filed within the time stated in the notice, and shall only consider the bids which are accompanied by the bond specified in the notice; and said Board shall accept the lowest bid for each section for which bids were advertised, and shall award contracts accordingly; *provided*, that said Board shall reject all bids on any section if it appears to the Board from evidence heard by it, on reasonable notice to the lowest bidder on said section, that such lowest bid is disproportionately large when considered with reference to the whole work on all the sections, and the full price allowed to be paid for the whole work by this Act.

Person  
whose bid is  
accepted to  
execute contract, etc.

SEC. 12. Within three days after opening said bids, the Board shall act upon the same, and either award contracts or reject bids, in accordance with the provisions of the preceding section; and if the contract is awarded on any bid for any section, the person whose bid is accepted shall, within ten days, execute a contract to do the required work on said section according to the terms of the contract on file in the office of the Clerk of the Board, and shall give bond for the faithful performance of such contract, with good and sufficient sureties, in an amount equal to his bid, which bond and sureties

are to be subject to the approval of the Board of Supervisors; but if the person whose bid has been accepted fails so to execute a contract with the county, with such approved security, or if the Board reject all the bids for contracts upon any section, then the Board shall re-advertise for bids for the construction of such section of the road.

SEC. 13. For and during each fiscal year after it shall have been decided by election, and until the cost of said road, with interest, shall have been paid, the Board of Supervisors of said county shall levy a tax upon all the assessed property of said county, of twenty-five cents upon each one hundred dollars in assessed value thereof, which shall be levied and collected at the same time, and in the same manner, and by the same officers, as other and county taxes are levied and collected, and when so collected shall be paid into the county treasury of said county, and placed to the credit of a fund to be known as the Mountain Road Fund, and the moneys in said fund shall be used alone for the payment of the interest and principal of warrants drawn upon the same in pursuance of the provisions of this Act, and not otherwise.

Tax to be levied.

SEC. 14. Warrants for the original survey and the expenses of the election, of publication of all notices, and of right of way, shall be drawn upon the General County Fund, and all other warrants for expenses incurred under this Act shall be drawn upon the said Mountain Road Fund, in the following manner:

Warrants' drawn from where, and in what manner.

*First*—Warrants drawn to pay for services of civil engineer, employed to make detail drawings and to inspect work, shall be preferred warrants, and shall be paid out of the first moneys in such fund in the order of their registration in the office of the County Treasurer, and shall bear interest at the rate of eight per cent. per annum.

*Second*—All other warrants drawn upon said fund shall be for the contract price of construction, and shall be substantially in the following form: State of California, County of San Bernardino. To the County Treasurer of the County of San Bernardino. Pursuant to an order of the Board of Supervisors, duly entered, you will pay, ten years after date, or sooner if funds are on hand for such purpose, to ———, or his assigns, the sum of ——— dollars, with interest thereon at the rate of eight per cent. per annum from date until paid, principal and interest payable only in the same kind of money or currency receivable for State and county taxes at date of payment. Interest payable annually on the first day of January, and the same shall be signed by the County Auditor.

SEC. 15. The moneys in said Mountain Road Fund shall be applied as follows:

Application of moneys.

*First*—To the payment of civil engineer's warrants registered.

*Second*—To interest due on contractor's warrants.

*Third*—To the redemption of contractor's warrants.

On the first Monday in March in each year after the issuance of warrants drawn upon said fund, it shall be the duty

Payment of warrants.

of the County Treasurer to pay to the legal holders of such of said warrants as the money on hand will pay, in the order of their registration in his office; and in case the holders of such redeemable warrants do not then present the same for payment, said County Treasurer shall set apart such funds, and retain the same until said warrants are presented for payment, and from the time that funds are so set apart for the payment of principal and interest of any warrants, no more or further interest whatever shall accrue thereon after said date.

Right of way  
acquired;  
how.

SEC. 16. Rights of way may be acquired by the county for the road herein provided for in the same manner as in other cases, by purchase or by condemnation; and in case the adopted route for said road overlaps in any part any existing toll road, then by contract with the Board of Supervisors, or by condemnation, that part of such toll road so overlapped shall be opened to the public free of toll, and the owner of the franchise shall be entitled to receive for the same compensation according to law.

Power  
granted to  
Board.

SEC. 17. All power necessary to carry out the provisions of this Act is hereby given to the Board of Supervisors of said county, and any expenses or outlay necessarily incurred which is not herein expressly provided for shall be paid out of the General Fund of the county treasury.

SEC. 18. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 19. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXCIX.—*An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved March 27, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Police Court  
established.

Jurisdiction  
of Court.

SECTION 1. Section seventeen of said Act is hereby amended so as to read as follows: Section 17. A Police Court is hereby established in and for said city, which shall be presided over by the Police Judge. The Police Court shall have exclusive jurisdiction of all violations of city ordinances, and may hold to bail, try, fine, or commit to prison any offender, in accordance with the provisions of such ordinances and judgment that the defendant pay a fine; may also direct that he be imprisoned until the fine be satisfied, in the proportion of one day's imprisonment for every dollar of the fine. Said Court shall also have jurisdiction of all misdemeanors committed in the city, punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment, and shall have jurisdiction of the crime of battery, committed



within the city. The Police Judge shall have and exercise all the jurisdiction and powers of a Justice of the Peace, as to offenses committed within the city, and may administer all oaths known to the law. Said Court shall have such further powers and jurisdiction as is by statute conferred upon Recorders' Courts, and the proceedings therein shall be such as are provided by law for proceeding in Justices', Recorders', and Mayors' Courts. Whenever sentence of imprisonment is passed upon any offender, the Police Judge may include in such sentence that such offender shall be subject to labor, under the charge and in the custody of the Chief of Police. The Police Judge shall keep a record of his proceedings, receive and pay weekly into the treasury of the city all moneys collected by him, and render to the City Auditor weekly an exact and detailed account, under oath, of all fines imposed and moneys collected since his last account rendered. He shall not collect or receive for his own use any fee or perquisite for the discharge of the duties of his office, but all moneys collected by him shall be paid into the city treasury; and if he shall receive and appropriate to his own use any fee or perquisite, as above referred to, or any funds belonging to the city, he shall be considered guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars, or imprisonment not exceeding twelve months, or by both such fine and imprisonment, and shall be removed from office.

Duty of  
Police  
Judge.

Misdemeanor.

CHAP. CCCC.—*An Act to set off the southwestern portion of Sutter Island, in Sacramento County, from Onisbo School District in said county, to Slough School District, in Solano County, for school purposes.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The southwestern portion of Sutter Island, in Sacramento County, is hereby set off from Onisbo School District in said county, to Slough School District, in Solano County, for school purposes; which portion thus set off is described as follows: Commencing at a point on the east bank of Sutter Slough, where the north and south quarter section line of sections one, twelve, thirteen and twenty-four intersects said slough; thence south to Steamboat Slough; thence down the bank of Steamboat Slough to the mouth of Sutter Slough; thence up Sutter Slough to the place of beginning.

Portion of  
land set off  
for school  
purposes.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCC.I.—*An Act to regulate the fees of Constables in the County of Calaveras.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Fees allowed  
to Constables.

SECTION 1. Such fees shall be allowed to the Constables of Calaveras County, for their services rendered in discharging the duties imposed on them by law, as herein provided.

SEC. 2. For serving an attachment on property, or levying an execution, an order of arrest, or order for the delivery of personal property, two dollars; for serving summons, or any other process by which an action is commenced, on each defendant, one dollar; for his trouble and expense in taking and keeping possession of and preserving property under an attachment, or execution, or other process, such sum as the Court shall order—*provided*, that no more than three dollars per diem shall be allowed to a keeper; for taking a bond or undertaking when authorized to take the same, one dollar; for copies of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents; for serving every notice, rule, or order, one dollar; for advertising property for sale, on execution, exclusive of the costs of publication, each notice, one dollar; for holding trial of right of property, to include all service except mileage, three dollars; for serving subpoena, for each witness summoned, fifty cents; for traveling to serve any summons or other process by which action is commenced, attachment on property, to levy an execution, to post notices of sale, to sell property under execution, to execute an order for the delivery of personal property, to hold an inquest or right of trial of property—*provided*, that if two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant point to complete such service—for each mile necessarily traveled in going only, thirty cents per mile; for commissions for paying over money on execution after sale, five per cent.; for commissions for paying over money on execution, without levy and before sale, three per cent. The fees and commissions for levy of execution and percentage for making or collecting money on execution, shall be collected from the judgment debtor in the same manner as the judgment. For drawing and executing a deed for property sold under execution, to include the acknowledgment, three dollars, to be paid by the grantee; for making every arrest in a criminal proceeding, two dollars; for summoning a trial jury, two dollars; for every mile necessarily traveled in going only, in executing a warrant of arrest, subpoena, taking a prisoner before a Magistrate or to prison, and for mileage in all criminal cases, except in serving a venire—*provided*, that in serving subpoena, when two or more witnesses live in the same direction, but one mileage shall be charged—thirty cents per mile.

SEC. 3. For all other services the same fees as by law allowed to the Sheriff of Calaveras County.

SEC. 4. All Acts and parts of Acts, so far as they conflict with the provisions of the present Act, are hereby repealed.

SEC. 5. This Act shall take effect and be in force on the first Monday of March, A. D. eighteen hundred and eighty.

CHAP. CCCCII.—*An Act to amend an Act entitled "An Act to re-incorporate the City of Marysville," approved March 7th, 1876.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section sixteen of an Act entitled "An Act to re-incorporate the City of Marysville," approved March 7th, 1876, is hereby amended so as to read as follows: Section 16. The Common Council of said city shall not contract any debts or liabilities by borrowing money, loaning the credit of the city, or otherwise, except for levee purposes, and which said indebtedness shall not at any time, either singly or in the aggregate, exceed the sum of ten thousand dollars, and neither the Mayor nor any member of the Common Council shall be interested in any contract to which the city is a party.

Council shall not contract debts.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCIII.—*An Act to authorize the Board of Trustees of Scott's Valley School District, in the County of Siskiyou, to borrow money for the purpose of erecting a school house, furnishing the same, and improving the grounds upon which the same may be located.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. For the purpose of erecting a school house, and furnishing the same with the necessary school furniture and appliances, and improving the grounds upon which the same may be located, of Scott's Valley School District, in Siskiyou County, the Board of Trustees of said school district are hereby authorized to borrow money, not to exceed the sum of ten thousand dollars, in gold coin of the United States, at a rate of interest not to exceed eight per cent. per

Trustees authorized to borrow money.

annum, payable annually on the first day of January of each year until paid, at the office of the Treasurer of Siskiyou County.

Certificates  
of indebted-  
ness to be  
issued.

SEC. 2. Upon the payment into the county treasury of Siskiyou County of the amount of the loan, the Board of Trustees of Scott's Valley School District are hereby authorized to issue certificates of indebtedness, in the name of said district, for the amount so loaned, payable on or before the first day of January, A. D. one thousand eight hundred and ninety-eight, at the rate of interest agreed upon, not to exceed eight per cent. per annum. Said certificates of indebtedness shall be signed by the Board of Trustees, or a majority of them, and be countersigned by the Superintendent of Common Schools of Siskiyou County, and shall be in sums not less than five hundred dollars nor more than five hundred dollars. Said certificates of indebtedness shall be a lien upon all property in said Scott's Valley School District until paid.

Special tax  
to be levied.

SEC. 3. For the purposes of paying the interest on the debt contracted, as provided in this Act, and providing for payment of the principal, and the salary of the District Assessor and District Collector, as hereinafter provided, the Board of Trustees of said Scott's Valley School District are hereby required, and it is made their duty, annually, in the month of May, to levy a special tax upon all the taxable property in said district to raise a sum sufficient to pay the interest on said certificates of indebtedness, and the principal of said certificates of indebtedness, and the salary of the District Assessor and District Collector, as hereinafter provided, as they respectively become due. Said special tax shall be assessed and collected as herein provided, and shall be paid into the county treasury, and by the County Treasurer set apart and constitute the "Scott's Valley School District Redemption and Interest Fund." The County Treasurer, out of this fund, shall, each and every year, on the first of January, pay the interest that has accrued, and pay the balance remaining due on each one of said certificates of indebtedness, as follows: The first one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and seventy-nine; the second one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and eighty; the third one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and eighty-one; the fourth one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and eighty-two; the fifth one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and eighty-three; the sixth one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and eighty-four; the seventh one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and eighty-five; the eighth one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred

Certificates  
of indebted-  
ness; when  
due.

and eighty-six; the ninth one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and eighty-seven; the tenth one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and eighty-eight; the eleventh one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and eighty-nine; the twelfth one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and ninety; the thirteenth one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and ninety-one; the fourteenth one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and ninety-two; the fifteenth one of said certificate of indebtedness shall be due and payable on the first day of January, eighteen hundred and ninety-three; the sixteenth one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and ninety-four; the seventeenth one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and ninety-five; the eighteenth one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and ninety-six; the nineteenth one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and ninety-seven; the twentieth and last one of said certificates of indebtedness shall be due and payable on the first day of January, eighteen hundred and ninety-eight.

SEC. 4. Within thirty days after the passage of this Act the Board of Trustees of said Scott's Valley School District shall call a special election for the purpose of electing a District Assessor and a District Collector, which election shall be governed by the laws relating to elections. At least ten days' notice shall be given of such election, by posting notices in at least three public places in said district. The officers elected at such special election shall hold their offices for the term of two years, when their successors shall be elected by the votes of said Scott's Valley School District. The Assessor shall give a bond for the faithful discharge of his duties, in the sum of one thousand dollars, and shall receive for his services such compensation as the Board of Trustees may allow, but not to exceed ten per cent. of the amount collected under the provisions of this Act, each year. The Collector shall give a bond for the faithful discharge of his duties in the sum of one thousand dollars. He shall receive for his services such compensation as the Board of Trustees may allow, but not to exceed ten per cent. of the amount collected under the provisions of this Act, each year. Nothing in this Act shall prevent the same person acting both as Assessor and Collector. The officers shall be governed by the laws in force for the collection of State and county taxes. The Board of Trustees shall sit at least five days as a Board of Equalization, after giving ten days'

Election for certain officers.

Term of office.

Bonds of officers.

Board of Equalization.

notice of such meeting, by posting at least three notices in public places.

SEC. 5. The money paid into the treasury, under the second section of this Act, shall be kept by the Treasurer as a separate fund, known as the "Scott's Valley School District Building and Improvement Fund," and shall pay the same out upon the order of the Board of Trustees, when such orders have been countersigned by the County Superintendent of Common Schools of said County of Siskiyou.

Bills to be  
submitted to  
Board of  
Examiners  
before  
allowed.

SEC. 6. The Board of Trustees of said Scott's Valley School District, before allowing any bills for the building of a school house, for furnishing the same, and improvement of the premises upon which such school house may be located, shall submit the same to the County Judge, to the Superintendent of Common Schools, and the District Attorney of said County of Siskiyou, who are hereby constituted a Board of Examiners for the purpose of examining such bills. If the Board of Examiners approve of the bills presented, they shall indorse their approval thereon, when the Board of Trustees shall draw their order on the County Treasurer, payable out of the "Scott's Valley School District Building and Improvement Fund," and no order shall be drawn for any bill or account unless it have the approval of the said Board of Examiners, or a majority of them.

SEC. 7. This Act is hereby exempted from all Acts or parts of Acts that may be in conflict with it.

SEC. 8. This Act shall be in-force from and after its passage.

#### CHAP. CCCCIV.—*An Act to provide for the care and maintenance of the indigent sick of Tuolumne County.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Taxes to be  
levied for  
maintenance  
of sick.

SECTION 1. The Board of Supervisors of the County of Tuolumne shall annually, at the time other levies of taxes for State and county purposes are made, levy a per capita tax, not exceeding two dollars, on each male inhabitant of said county over twenty-one and under sixty years of age, and an ad valorem tax, not exceeding one-fifth of one per cent., or either of such levies, when both are not required, on all taxpayers and taxable property of said county, which shall be set aside and appropriated by said Board for the care and maintenance of the indigent sick of said county, and shall be collected by the Sheriff of said county at the same time and in the same manner as other taxes are collected.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCIV.—*An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board, to pay certain deficiencies in the General Fund of said city and county.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered to appropriate, allow, and order paid out of the General Fund of said city and county, the following sums, which have heretofore been incurred by said city and county in excess of the allowances allowed by law:

Payment  
of claims  
authorized.

*First*—For the "Post" Publishing Company, for public printing and advertising, seven hundred and thirty-one dollars and twenty-five cents.

*Second*—For the San Francisco "Call" Publishing Company, for public printing and advertising, six hundred and seventy-six dollars and sixty-five cents.

*Third*—For the "Bulletin" Publishing Company, for public printing and advertising, eight hundred and thirty-two dollars.

*Fourth*—For F. McCrellish and Company, for public printing and advertising, six hundred and fifty-five dollars and twenty-five cents.

*Fifth*—For Morse [Moss?] and Company, "Daily" Examiner, for public printing and advertising, nine hundred and eighty dollars and seventy-five cents.

*Sixth*—For Chas. de Young and Company, for public printing and advertising, fourteen hundred and sixty-one dollars and seventy-five cents.

SEC. 2. The Board of Supervisors of said city and county is hereby authorized to allow and order paid out of the General Fund to the parties entitled thereto, the sum of fifty-three hundred and thirty-seven dollars and sixty-five cents, being the amount now due for public printing and advertising up to March first, A. D. eighteen hundred and seventy-eight, to persons and corporations mentioned in section one, and for which no appropriation has been made; and the Auditor of said city and county is hereby authorized and empowered to draw his warrant therefor on the Treasurer of said city and county, payable out of the General Fund, and in favor of the person, persons, or corporations entitled, and the Treasurer is hereby authorized and empowered to pay the same out of the General Fund of said city and county.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCCVI.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCVII.—*An Act to amend an Act entitled an Act in relation to highways in the County of Solano, approved March 16, 1876.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Road poll  
tax.

SECTION 1. Section seven of an Act entitled an Act in relation to highways in the County of Solano, approved March 16, 1876, is hereby amended so as to read as follows: Section seven (7). Every male inhabitant of a road district, over twenty-one and under fifty years of age, must perform two days' labor annually, to be known as road poll tax, upon the roads and highways of the district, under the demand and direction of the Roadmaster thereof, or pay said Roadmaster a commutation fee of two dollars. The several Roadmasters shall return all four dollar road poll tax receipts now in their possession, and shall be credited with the amount so surrendered, and new receipts, of the denomination of two dollars, shall be prepared and issued. Any person having heretofore paid his road poll tax for 1878, may have two dollars refunded to him out of the Road Fund of his district, upon presentation of his road poll tax receipt to the County Treasurer.

Work to be  
done on  
certain  
thorough-  
fares.

SEC. 2. There shall be added to said Act a new section, to be numbered thirty-nine, and which shall read as follows: Section thirty-nine (39). The Board of Supervisors of said county may, and it is hereby made their duty to, order an equitable amount of work to be done by the Roadmaster of the proper road district in the main traveled thoroughfares of any and all incorporated cities or towns in said county.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCVIII.—*An Act to prohibit the destruction of fish in Alameda County.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Unlawful to  
catch fish.

SECTION 1. It shall not be lawful for any person to catch, take, or destroy any fish of any kind in the body of water known as Lake Chabot, in the San Leandro Creek, in Alameda County, belonging to the Contra Costa Water Company, without permission of the owner or owners thereof.

Time of  
catching fish  
defined.

SEC. 2. It shall not be lawful to take, kill, or destroy any brook or speckled trout, salmon, or salmon trout, or any other species of fish in San Leandro Creek and its branches or tributaries, or in any of the streams or water-courses of



said county, between the first day of October of each year and the first day of April of the following year.

SEC. 3. Any person violating the provisions of this Act shall be guilty of a misdemeanor. Misdemeanor.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCIX.—*An Act to prevent the destruction of deer on Monte Diablo, in Contra Costa County.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Every person who shall hunt, pursue, kill, or destroy any male or female deer or fawn within three miles of the summit of Monte Diablo, in Contra Costa County, for the period of four years from the date of the passage of this Act, is guilty of a misdemeanor. Misdemeanor.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCX.—*An Act to provide funds for the school department of the Town of Alameda.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Trustees of the Town of Alameda are hereby authorized to issue and sell school bonds to an amount not exceeding thirty thousand (30,000) dollars, payable in twenty (20) years from the date of issuance of said bonds, in gold coin of the United States of America, and to bear interest at a rate not to exceed six (6) per cent. per annum, payable semi-annually, on the second day of January and the first day of July in each year, in like gold coin. Sale of bonds authorized.

SEC. 2. Said bonds shall be in sums not less than five hundred (500) dollars nor more than one thousand (1,000) dollars, and shall be signed by the President of the Board of Trustees and the Treasurer of said town, and shall have coupons affixed thereto for the interest, and shall be signed by said Treasurer. Denomination of bonds.

SEC. 3. The Board of Trustees shall, at a regular meeting of said Board, cause to be entered upon the records thereof, an order directing the sale of a specified amount of said bonds, and the day and hour of such sale, and shall cause a copy of such order to be inserted in a newspaper published in said town, and in two daily newspapers published in the Sale of bonds; how made.

City and County of San Francisco, for at least twenty days, and shall annex to said order a notice that sealed proposals will be received by said Board for the purchase of said bonds on the day and hour named in said order. The said Board, at a regular meeting thereof, shall publicly open all sealed proposals received by them, and shall award said bonds to the highest bidder; *provided*, that said Board may reject all bids; *and provided further*, that no bonds shall be sold for less than par in gold coin.

SEC. 4. The amount of bonds sold, and their number and dates, shall be entered upon the records of said Board, in a book to be kept for that purpose, and upon the regular minutes of said Board.

Proceeds of  
sale, where  
paid.

SEC. 5. The proceeds of the sale of said bonds shall be paid into the town treasury, to the account of the School Building Fund, and shall be used for the sole purpose of purchasing lots and erecting school buildings, and making permanent improvements on school property; but no part of the moneys raised under this Act shall be used to repair buildings. No money shall be paid out of said fund, except on the order of the Board of Education, at a regular meeting thereof, signed by the President thereof, and countersigned by the Clerk and the Auditor of the Town of Alameda.

Interest tax.

SEC. 6. After any of said bonds are sold, and until all bonds sold are redeemed, the said Board of Trustees shall levy and collect, annually, at the same time and in the same manner as other town taxes are levied and collected, a tax on all the real and personal property in said town, sufficient to pay the interest on all of said outstanding bonds. Said tax, when collected, shall form the "School Bond Interest Fund," and all moneys remaining in the treasury belonging to the said fund, after all interest has been paid, shall be applied to the redemption of bonds, as hereinafter provided.

Redemption  
of bonds.

SEC. 7. The Board of Trustees shall, each year, after the lapse of ten (10) years from the issuance of said bonds, levy a tax not to exceed in each year five (5) cents on each one hundred (100) dollars of all taxable property in said town, which, when collected, shall constitute the "School Bond Redemption Fund," and whenever there shall be in said fund the sum of two thousand (2,000) dollars or more, the said Board shall advertise in a newspaper published in the Town of Alameda, and one newspaper published in the City and County of San Francisco, for twenty (20) days for sealed proposals for the redemption of said bonds, and in one week from the expiration of the time of such publication the said Board, at a regular meeting thereof, shall open the sealed proposals, and shall pay the bonds offered at the lowest price, as far as the money in said "School Bond Redemption Fund" will extend; *provided*, that no bonds shall be paid at more than their par value and accrued interest; but if sufficient bonds to consume the fund are not offered for redemption, the said Board shall advertise, as aforesaid, for a period of thirty (30) days, of its intention to pay said bonds to the extent of the fund on hand, commencing with the lowest numbered bond outstanding, which said numbers shall be

stated in such advertisement, and after thirty (30) days from the expiration of such advertisement said bonds so advertised shall cease to bear interest.

SEC. 8. Whenever any bond shall have been paid, the Treasurer shall mark the same canceled over his signature, and shall punch the signatures on each bond and coupon, and shall file such bonds in his office. Cancellation.

SEC. 9. This Act shall take effect immediately.

CHAP. CCCCXI.—*An Act to prevent the destruction of fish in King's River.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The proprietors of all water ditches and flumes, drawing their supply from the waters of King's River, shall place and keep in good repair at the heads of their respective ditches or flumes, through which all the water from the river entering the ditch or flume shall pass, strips of wood or other material, the meshes between which shall not exceed one inch in width, for the prevention of the passage of fish from the river into the flumes or ditches. Any person taking water from King's River in violation of the provisions of this Act is guilty of a misdemeanor. Passage of fish through ditches prevented; how.

CHAP. CCCCXII.—*An Act for the protection of the public roads on Sherman Island.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. It shall be unlawful for any person to use on any public road or highway on Sherman Island, in Sacramento County, any wagon drawn by two or more animals, the tire and felloes of which wagon is less than four and one-half inches in width. The road wagon, as used in this Act, shall not be construed to include any vehicle used wholly for the carriage of persons. Unlawful act declared.

SEC. 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding one hundred dollars. Misdemeanor.

SEC. 3. This Act shall be in force from and after November 1st, 1878.

CHAP. CCCCXIII.—[See volume of *Amendments to the Codes*.]

CHAP. CCCCXIV.—*An Act amendatory of and supplementary to an Act entitled an Act to authorize the County Judge of Tehama County to distribute town lots, held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town in accordance with their respective interests, approved March 6th, 1868.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Disposal of  
lots

SECTION 1. All lots embraced within the town site of Red Bluff, now remaining undisposed of under and pursuant to the provisions of an Act entitled "An Act to authorize the County Judge of Tehama County to distribute town lots, held by him in trust for the citizens of the Town of Red Bluff, and to issue certificate of titles to the inhabitants of said town in accordance with their respective interests, approved March 6th, 1868, shall be disposed of and distributed as follows:

Notice to  
claimants.

SEC. 2. As soon as practicable after this Act takes effect, the County Judge of said Tehama County shall cause notice to be given in some newspaper published in said county, in at least three successive issues thereof, notifying all persons claiming one or more of said lots, or fractional parts thereof, to present their respective claims thereto, at his Chambers, within a given time, to be specified in said notice, not less than thirty nor more than ninety days, together with the evidence on which such claim is based.

Applications  
made; how.

SEC. 3. Claimants shall be required to make their application in writing, setting forth the facts in a brief and concise form, showing that the claimant is in the possession, or entitled to the possession, of the premises embraced in his application, and the act or acts, and circumstances, constituting such possession or right of possession. The application must be verified by the oath of the claimant, and must contain sufficient facts, prima facie, to prove that the applicant is in, or is entitled to, the possession of the premises claimed.

Invalid  
certificates.

SEC. 4. In any case where a certificate of title heretofore issued by the County Judge of said county to any portion of said town site is invalid for any reason, the holder of such certificate, his grantee or successor, may make application for a new certificate of title for the land embraced in said invalid certificate, in the same manner and subject to the same rules and conditions as prescribed for other applicants by this Act.

SEC. 5. The Board of Trustees of the Town of Red Bluff

are hereby authorized and directed to procure and cause to be made a correct survey and map of the survey of the town site of said town, according to the description in the patent from the United States to the County Judge, which said map shall be filed in the office of the County Recorder of Tehama County, and thereafter to be the official map of said town site.

Survey and map to be made

SEC. 6. The provisions of an Act entitled "An Act to authorize the County Judge of Tehama County to distribute town lots, held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town according to their respective interests," approved March 6th, 1868, not in conflict with the provisions of this Act, shall apply to the disposition of the lots to be disposed of and distributed under this Act. And this Act shall in no wise offset any suits which have been heretofore commenced, and are now pending, to settle individual interests or right of possession to town lots in said Town of Red Bluff.

Act made applicable.

SEC. 7. After the expiration of the time specified in the notice given by the County Judge, provided for by section two of this Act, the lots for which no valid application has been presented to said County Judge within the time specified in said notice shall be disposed of as follows: Any party or parties desiring to obtain title to one or more thereof shall cause to be published in the Sentinel, a newspaper published in said Tehama County, at least once a week for two successive weeks, a notice stating that such party or parties intend to apply to the said County Judge for such certificate of title. Said notice shall contain a definite description of the premises intended to be applied for. The said application may be made at any time after the first publication of said notice and previous to the issuance of a certificate, and must in all respects conform to and comply with the provisions of section three of this Act. If within sixty days after the first publication of said notice, no other notice and application has been given and made by any other party or parties, as prescribed in this section, and if the applicant is entitled thereto, the County Judge shall, upon the expiration of sixty days, issue a certificate of said title to said applicant for the premises described in said notice and application. If within sixty days after the first publication of notice of the party or parties who first give notice of intention as aforesaid, there shall be more than one application for the same lot or lots, which notice as aforesaid has been given on the expiration of said sixty days, the County Judge shall issue a certificate of title to the applicant deemed by him entitled thereto, and any applicant aggrieved thereby shall proceed according to the provisions of section six of the said Act of March 6th, 1868, and sections six and seven of said last named Act shall apply to such proceedings.

Disposal of lots, how made.

SEC. 8. The Board of Trustees of the Town of Red Bluff may, in their discretion, and to the extent that the interest of the town require it, designate from any of the lands or lots which have not been previously disposed of and which

Dedication of certain lots to public use.

are not occupied and claimed in good faith by any person, and set forth and dedicate the same to public uses in such mode and manner as the said Board may adopt; and upon an order to that effect being made, the County Judge of said county shall, if the proceedings upon which such order is based appear to be regular, issue a certificate to that effect, and file the same with the Recorder of said county, and said Recorder shall thereupon record it in the proper record of deeds of conveyance of real estate for said county, and thereafter the lands and lots so embraced shall be deemed to be forever dedicated to such public use.

Repeal.

SEC. 9. Sections eight, nine, ten, eleven, and twelve of said Act of March 6th, 1868, are hereby repealed.

Provisions of Act not applicable to minor heirs.

SEC. 10. The limitation of one year mentioned in section six of an Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town in accordance with their respective interests, approved March 6th, 1868, in respect to aggrieved parties bringing suits in the District Court to litigate their rights, shall not apply to minor heirs who have attained their majority subsequent to the issuance of title by said County Judge, but in all such cases parties may bring their actions within five years after such minor shall have arrived at their majority.

SEC. 11. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

#### CHAP. CCCCXV.—*An Act to establish a scale for the measurement of logs.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

One standard of measurement.

SECTION 1. There shall be but one standard for the measurement of logs throughout this State.

SEC. 2. The following table, known as Spaulding's Table for the Measurement of Logs, is hereby made the standard



TABLE—Continued.

Standard  
for measure-  
ment of logs.

Length—feet	Diameter— inches	Contents— feet	Length—feet	Diameter— inches	Contents— feet	Length—feet	Diameter— inches	Contents— feet	Length—feet	Diameter— inches	Contents— feet
12	53	1,578	13	53	1,709	14	53	1,841	15	53	1,972
12	54	1,638	13	54	1,774	14	54	1,911	15	54	2,047
12	55	1,700	13	55	1,841	14	55	1,983	15	55	2,125
12	56	1,763	13	56	1,909	14	56	2,056	15	56	2,203
12	57	1,827	13	57	1,979	14	57	2,131	15	57	2,283
12	58	1,893	13	58	2,050	14	58	2,208	15	58	2,366
12	59	1,960	13	59	2,123	14	59	2,286	15	59	2,450
12	60	2,028	13	60	2,197	14	60	2,366	15	60	2,535
12	61	2,098	13	61	2,272	14	61	2,447	15	61	2,622
12	62	2,169	13	62	2,349	14	62	2,530	15	62	2,711
12	63	2,241	13	63	2,427	14	63	2,614	15	63	2,801
12	64	2,315	13	64	2,507	14	64	2,700	15	64	2,893
12	65	2,390	13	65	2,589	14	65	2,789	15	65	2,987
12	66	2,467	13	66	2,672	14	66	2,878	15	66	3,083
12	67	2,545	13	67	2,757	14	67	2,969	15	67	3,181
12	68	2,625	13	68	2,843	14	68	3,062	15	68	3,281
12	69	2,706	13	69	2,931	14	69	3,157	15	69	3,382
12	70	2,789	13	70	3,021	14	70	3,253	15	70	3,486
12	71	2,874	13	71	3,113	14	71	3,353	15	71	3,592
12	72	2,960	13	72	3,206	14	72	3,453	15	72	3,700
12	73	3,047	13	73	3,301	14	73	3,555	15	73	3,809
12	74	3,135	13	74	3,396	14	74	3,657	15	74	3,919
12	75	3,224	13	75	3,492	14	75	3,761	15	75	4,030
12	76	3,314	13	76	3,590	14	76	3,866	15	76	4,142
12	77	3,405	13	77	3,688	14	77	3,972	15	77	4,256
12	78	3,497	13	78	3,788	14	78	4,080	15	78	4,371
12	79	3,590	13	79	3,889	14	79	4,188	15	79	4,487
12	80	3,634	13	80	3,991	14	80	4,298	15	80	4,605
12	81	3,779	13	81	4,094	14	81	4,408	15	81	4,723
12	82	3,874	13	82	4,196	14	82	4,519	15	82	4,842
12	83	3,970	13	83	4,301	14	83	4,631	15	83	4,962
12	84	4,067	13	84	4,406	14	84	4,745	15	84	5,084
12	85	4,165	13	85	4,512	14	85	4,859	15	85	5,206
12	86	4,264	13	86	4,619	14	86	4,974	15	86	5,330
12	87	4,364	13	87	4,727	14	87	5,091	15	87	5,455
12	88	4,465	13	88	4,837	14	88	5,209	15	88	5,581
12	89	4,566	13	89	4,946	14	89	5,327	15	89	5,707
12	90	4,668	13	90	5,057	14	90	5,446	15	90	5,835
12	91	4,771	13	91	5,168	14	91	5,566	15	91	5,964
12	92	4,875	13	92	5,281	14	92	5,687	15	92	6,094
12	93	4,980	13	93	5,395	14	93	5,810	15	93	6,225
12	94	5,085	13	94	5,508	14	94	5,932	15	94	6,356
12	95	5,192	13	95	5,624	14	95	6,057	15	95	6,490
12	96	5,300	13	96	5,741	14	96	6,183	15	96	6,625



TABLE—Continued.

Standard  
for measure-  
ment of logs.

Length—feet	Diameter—inches	Contents—feet	Length—feet	Diameter—inches	Contents—feet	Length—feet	Diameter—inches	Contents—feet	Length—feet	Diameter—inches	Contents—feet
16	10	50	17	10	53	18	10	57	19	10	60
16	11	63	17	11	67	18	11	70	19	11	74
16	12	77	17	12	82	18	12	87	19	12	91
16	13	94	17	13	100	18	13	106	19	13	112
16	14	114	17	14	121	18	14	129	19	14	136
16	15	137	17	15	145	18	15	154	19	15	163
16	16	161	17	16	171	18	16	181	19	16	191
16	17	188	17	17	199	18	17	211	19	17	223
16	18	216	17	18	229	18	18	243	19	18	256
16	19	245	17	19	260	18	19	276	19	19	291
16	20	276	17	20	293	18	20	310	19	20	327
16	21	308	17	21	327	18	21	346	19	21	365
16	22	341	17	22	362	18	22	384	19	22	405
16	23	376	17	23	399	18	23	423	19	23	446
16	24	412	17	24	437	18	24	463	19	24	489
16	25	449	17	25	477	18	25	505	19	25	533
16	26	488	17	26	518	18	26	549	19	26	579
16	27	528	17	27	561	18	27	594	19	27	627
16	28	569	17	28	604	18	28	640	19	28	676
16	29	612	17	29	650	18	29	688	19	29	726
16	30	656	17	30	697	18	30	738	19	30	779
16	31	701	17	31	745	18	31	789	19	31	832
16	32	748	17	32	794	18	32	841	19	32	888
16	33	796	17	33	845	18	33	895	19	33	945
16	34	845	17	34	898	18	34	951	19	34	1,003
16	35	897	17	35	953	18	35	1,009	19	35	1,065
16	36	950	17	36	1,010	18	36	1,069	19	36	1,128
16	37	1,006	17	37	1,069	18	37	1,132	19	37	1,195
16	38	1,064	17	38	1,130	18	38	1,197	19	38	1,263
16	39	1,124	17	39	1,194	18	39	1,264	19	39	1,334
16	40	1,185	17	40	1,259	18	40	1,333	19	40	1,407
16	41	1,248	17	41	1,326	18	41	1,404	19	41	1,482
16	42	1,312	17	42	1,394	18	42	1,476	19	42	1,558
16	43	1,377	17	43	1,463	18	43	1,549	19	43	1,635
16	44	1,448	17	44	1,538	18	44	1,629	19	44	1,719
16	45	1,512	17	45	1,606	18	45	1,701	19	45	1,795
16	46	1,581	17	46	1,680	18	46	1,779	19	46	1,877
16	47	1,652	17	47	1,755	18	47	1,858	19	47	1,961
16	48	1,724	17	48	1,831	18	48	1,939	19	48	2,047
16	49	1,797	17	49	1,909	18	49	2,022	19	49	2,134
16	50	1,872	17	50	1,989	18	50	2,106	19	50	2,223
16	51	1,948	17	51	2,069	18	51	2,191	19	51	2,313
16	52	2,025	17	52	2,151	18	52	2,278	19	52	2,405
16	53	2,104	17	53	2,235	18	53	2,367	19	53	2,498

TABLE—Continued.

Standard  
for measure-  
ment of logs.

Length—feet	Diameter— inches	Contents—feet	Length—feet	Diameter— inches	Contents—feet	Length—feet	Diameter— inches	Contents—feet	Length—feet	Diameter— inches	Contents—feet
16	54	2,184	17	54	2,320	18	54	2,457	19	54	2,593
16	55	2,266	17	55	2,408	18	55	2,550	19	55	2,691
16	56	2,350	17	56	2,497	18	56	2,644	19	56	2,791
16	57	2,436	17	57	2,588	18	57	2,740	19	57	2,892
16	58	2,524	17	58	2,681	18	58	2,839	19	58	2,997
16	59	2,613	17	59	2,776	18	59	2,940	19	59	3,103
16	60	2,704	17	60	2,873	18	60	3,042	19	60	3,211
16	61	2,797	17	61	2,972	18	61	3,147	19	61	3,321
16	62	2,892	17	62	3,072	18	62	3,253	19	62	3,434
16	63	2,988	17	63	3,174	18	63	3,361	19	63	3,548
16	64	3,086	17	64	3,279	18	64	3,472	19	64	3,665
16	65	3,186	17	65	3,385	18	65	3,585	19	65	3,784
16	66	3,289	17	66	3,494	18	66	3,700	19	66	3,906
16	67	3,393	17	67	3,605	18	67	3,817	19	67	4,029
16	68	3,500	17	68	3,718	18	68	3,937	19	68	4,156
16	69	3,608	17	69	3,833	18	69	4,059	19	69	4,284
16	70	3,718	17	70	3,951	18	70	4,183	19	70	4,415
16	71	3,832	17	71	4,071	18	71	4,311	19	71	4,550
16	72	3,946	17	72	4,193	18	72	4,440	19	72	4,686
16	73	4,062	17	73	4,316	18	73	4,570	19	73	4,824
16	74	4,180	17	74	4,441	18	74	4,702	19	74	4,964
16	75	4,298	17	75	4,567	18	75	4,836	19	75	5,104
16	76	4,418	17	76	4,694	18	76	4,970	19	76	5,246
16	77	4,540	17	77	4,823	18	77	5,107	19	77	5,391
16	78	4,663	17	78	4,954	18	78	5,245	19	78	5,537
16	79	4,786	17	79	5,085	18	79	5,385	19	79	5,684
16	80	4,912	17	80	5,219	18	80	5,526	19	80	5,833
16	81	5,038	17	81	5,353	18	81	5,668	19	81	5,983
16	82	5,165	17	82	5,488	18	82	5,811	19	82	6,133
16	83	5,293	17	83	5,624	18	83	5,955	19	83	6,285
16	84	5,423	17	84	5,762	18	84	6,101	19	84	6,440
16	85	5,553	17	85	5,900	18	85	6,247	19	85	6,594
16	86	5,685	17	86	6,040	18	86	6,396	19	86	6,751
16	87	5,818	17	87	6,182	18	87	6,546	19	87	6,909
16	88	5,953	17	88	6,325	18	88	6,697	19	88	7,069
16	89	6,088	17	89	6,468	18	89	6,849	19	89	7,229
16	90	6,224	17	90	6,613	18	90	7,002	19	90	7,391
16	91	6,361	17	91	6,759	18	91	7,156	19	91	7,554
16	92	6,500	17	92	6,906	18	92	7,312	19	92	7,719
16	93	6,640	17	93	7,055	18	93	7,470	19	93	7,885
16	94	6,780	17	94	7,203	18	94	7,627	19	94	8,051
16	95	6,922	17	95	7,355	18	95	7,788	19	95	8,220
16	96	7,066	17	96	7,508	18	96	7,950	19	96	8,391
20	10	63	21	10	66	22	10	69	23	10	72

TABLE—Continued.

												Standard for measure- ment of logs.
Length—feet ---	Diameter—inches -	Contents—feet ----	Length—feet ----	Diameter—inches -	Contents—feet ----	Length—feet ----	Diameter—inches -	Contents—feet ----	Length—feet ----	Diameter—inches -	Contents—feet ----	
20	11	78	21	11	82	22	11	86	23	11	90	
20	12	96	21	12	101	22	12	106	23	12	111	
20	13	118	21	13	124	22	13	130	23	13	136	
20	14	143	21	14	150	22	14	157	23	14	164	
20	15	171	21	15	180	22	15	188	23	15	197	
20	16	207	21	16	211	22	16	221	23	16	231	
20	17	235	21	17	246	22	17	258	23	17	270	
20	18	270	21	18	283	22	18	297	23	18	310	
20	19	306	21	19	322	22	19	337	23	19	352	
20	20	345	21	20	362	22	20	379	23	20	396	
20	21	385	21	21	404	22	21	423	23	21	442	
20	22	426	21	22	448	22	22	469	23	22	490	
20	23	470	21	23	493	22	23	517	23	23	540	
20	24	515	21	24	540	22	24	566	23	24	592	
20	25	561	21	25	589	22	25	617	23	25	645	
20	26	610	21	26	640	22	26	671	23	26	701	
20	27	660	21	27	693	22	27	726	23	27	759	
20	28	711	21	28	747	22	28	782	23	28	818	
20	29	765	21	29	803	22	29	841	23	29	879	
20	30	820	21	30	861	22	30	902	23	30	943	
20	31	876	21	31	920	22	31	964	23	31	1,008	
20	32	935	21	32	981	22	32	1,028	23	32	1,075	
20	33	995	21	33	1,044	22	33	1,094	23	33	1,144	
20	34	1,056	21	34	1,109	22	34	1,162	23	34	1,215	
20	35	1,121	21	35	1,177	22	35	1,233	23	35	1,289	
20	36	1,188	21	36	1,247	22	36	1,307	23	36	1,366	
20	37	1,258	21	37	1,321	22	37	1,384	23	37	1,447	
20	38	1,330	21	38	1,397	22	38	1,463	23	38	1,529	
20	39	1,405	21	39	1,475	22	39	1,545	23	39	1,615	
20	40	1,481	21	40	1,555	22	40	1,629	23	40	1,703	
20	41	1,560	21	41	1,638	22	41	1,716	23	41	1,794	
20	42	1,640	21	42	1,722	22	42	1,804	23	42	1,886	
20	43	1,721	21	43	1,807	22	43	1,893	23	43	1,979	
20	44	1,810	21	44	1,900	22	44	1,991	23	44	2,081	
20	45	1,890	21	45	1,984	22	45	2,079	23	45	2,173	
20	46	1,976	21	46	2,075	22	46	2,174	23	46	2,273	
20	47	2,065	21	47	2,168	22	47	2,271	23	47	2,374	
20	48	2,155	21	48	2,262	22	48	2,370	23	48	2,478	
20	49	2,246	21	49	2,385	22	49	2,470	23	49	2,582	
20	50	2,340	21	50	2,457	22	50	2,574	23	50	2,691	
20	51	2,435	21	51	2,556	22	51	2,678	23	51	2,800	
20	52	2,531	21	52	2,657	22	52	2,784	23	52	2,911	
20	53	2,630	21	53	2,761	22	53	2,893	23	53	3,024	
20	54	2,730	21	54	2,866	22	54	3,003	23	54	3,139	



TABLE—Continued.

												Standard for measure- ment of logs.
Length—feet ----	Diameter—-inches -	Contents—feet ----	Length—feet ----	Diameter—-inches -	Contents—feet ----	Length—feet ----	Diameter—-inches -	Contents—feet ----	Length—feet ----	Diameter—-inches -	Contents—feet ----	
24	18	324	24	34	1,268	24	50	2,808	24	66	4,934	
24	19	368	24	35	1,346	24	51	2,922	24	67	5,090	
24	20	414	24	36	1,426	24	52	3,038	24	68	5,250	
24	21	462	24	37	1,510	24	53	3,156	24	69	5,412	
24	22	512	24	38	1,596	24	54	3,276	24	70	5,578	
24	23	564	24	39	1,686	24	55	3,400	24	71	5,748	
24	24	618	24	40	1,778	24	56	3,526	24	72	5,920	
24	25	674	24	41	1,872	24	57	3,654				

SEC. 3. For the measurement of logs of any greater length than indicated in the table set forth in section two of this Act, the computation shall be made in accordance with table.

SEC. 4. All logs shall be measured at the small end and inside the bark, and the contents computed according to section two of this Act. This Act shall not apply to the Counties of Humboldt, Mendocino, and Del Norte. Logs; how measured.

SEC. 5. Allowance shall be made for rot, shake, or other defect in logs measured by this scale and under the provisions of this Act, so as to make the survey express the actual quantity of merchantable lumber in each log. Allowance made.

SEC. 6. This Act shall take effect immediately.

CHAP. CCCCXVI.—*An Act to amend an Act entitled "An Act concerning roads and highways in Contra Costa County," approved March 11th, 1876.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section seven of said Act is hereby amended to read as follows: Section seven (7). Any owner or occupant of land adjoining a highway not less than three rods wide, may plant trees on the side contiguous to his land. They must be set in regular rows, at a distance of at least six feet from each other, and not more than six feet from the boundary of the highway. If the highway is more than six rods wide, the row must not be less than six nor more than Owners or occupants of land may plant trees; how.

twelve feet from the boundary of the highway. Whoever injures any of them is liable to the owner or to the occupant for the damage which is thereby sustained; *provided*, that said trees have been planted inside the fence, or are properly protected by boxes, posts, or otherwise, if planted on the outside.

Duty of  
Board of  
Supervisors.

SEC. 2. Section ten of said Act is hereby amended to read as follows: Section ten (10). The Board of Supervisors of each county, by proper ordinance, must:

I. Divide the county into a suitable and convenient number of road districts, but no district shall be formed of parts of two townships, and appoint therefor, annually, or whenever vacancies occur, Overseers other than themselves, with power to remove for cause.

II. Cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary for public convenience, as in this Chapter provided.

III. Abolish or abandon such as are unnecessary.

IV. Contract, agree for, purchase, or otherwise acquire the right of way over private property for the use of public highways, and for that purpose institute, or require the District Attorney to institute, proceedings under Title VII., Part III., of the Code of Civil Procedure, and to pay therefor from the District Road Fund of the particular district in which said right of way was acquired.

V. Levy a property road tax.

VI. Order and direct Overseers specially in regard to work to be done on particular roads in their district.

VII. Cause to be erected and maintained on the highways they may designate mile-stones or posts, and guide-posts properly inscribed.

VIII. Cause the road tax collected each year after, in their discretion, setting aside twenty per cent. thereof, as herein-after provided, to be apportioned to the road districts entitled thereto, and kept by the Treasurer in separate funds.

IX. Audit and draw warrants on the funds of the respective road districts, when required to pay for right of way, or work, or improvements thereon.

X. Furnish to each Road Overseer a copy of this Chapter.

Road poll  
tax.

SEC. 3. Section fifteen of said Act is amended to read as follows: Section fifteen (15). Every male inhabitant of a road district, over twenty-one and under fifty years of age, must pay annually to the Road Overseer, before the first day of July, a road poll tax of two dollars; and if not paid until after the first day of July, one dollar additional for delinquency. The said road poll tax shall be subject to enforced collection, in the same manner and by the same process as is provided for the collection of the State poll tax.

Repeal.

SEC. 4. Section seventeen of said Act is hereby repealed.

Property  
tax must  
be levied;  
when.

SEC. 5. Section twenty-one of said Act is hereby amended to read as follows: Section twenty-one (21). The annual property tax for road purposes must be levied by the Board of Supervisors, at their session when the tax is by them levied for county purposes, and must not exceed forty cents on each one hundred dollars in value of taxable property. But for

the year 1878 they may levy sixty cents on each one hundred dollars of taxable property, and thereafter the same rate as hereinbefore provided. This property road tax, when levied, must be annually assessed and collected by the same officers and in the same manner as State and other county taxes are levied, assessed, and collected, and turned over to the County Treasurer for the use of the road districts from which it is respectively collected, except as hereinafter provided. The Board shall in no year make greater expenditures for road purposes than the annual revenues of the current year for such purposes.

How assessed and collected.

SEC. 6. Section twenty-three of said Act is hereby amended so as to read as follows: Section twenty-three (23). Corporations or other employers of residents in any road district are responsible for the road poll tax of employes, and a notice to the employer or managing agent of any employing company or corporation requiring payment of the road poll tax of any employe, charges such employer, company, or corporation with such road poll tax, and subjects such employers to the same process for enforcing payment as is provided for enforcing payment of State poll taxes.

Corporations responsible for employes.

SEC. 7. Section twenty-four of said Act is hereby amended to read as follows: Section twenty-four (24). Each Overseer must make to the Board of Supervisors, semi-annually, a written account, under oath, containing:

Overseer must make oath.

1. The names of all persons liable for road poll tax in his district.

2. The names of all who have paid, and the amount received from them.

3. The names of all delinquents, and the amount due from them.

4. A full and complete return of the names of all persons employed, the day and date of their employment, the particular portion of the road on which they were employed, and also the number of teams, the day and date of their employment, and to whom they belonged, together with an itemized account of all moneys expended.

5. The number of road poll tax receipts sold, and those returned unsold.

6. An accurate account of every day he himself was employed, and the nature and items of the service rendered.

SEC. 8. The sections of the Act of which this Act is amendatory shall be numbered in accordance with this amendatory Act, to run in consecutive order.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXVII.—*An Act to provide for the opening of streets in the City of Oakland.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Council empowered to open streets

SECTION 1. The City of Oakland, by its City Council, is empowered to open, extend, and widen streets; *provided*, that no street be opened through the park known as Badger's Park, and modify the boundaries thereof within its corporate limits, and to determine the property benefited thereby, and to assess the expenses of such improvement upon the property benefited, as provided by this Act.

Proceedings; how commenced.

SEC. 2. All proceedings under this Act shall be commenced by petition of five or more residents and freeholders within said city, signed by the petitioners, addressed to the City Council, and filed with the Clerk of said Council.

Petition shall contain what.

SEC. 3. The petition mentioned in section two shall contain :

*First*—The names of the petitioners, and a statement that each of the petitioners is a resident and freeholder within said city.

*Second*—A statement that, in the opinion of the petitioners, the public interests require that the improvement asked for (describing it generally) should be made.

*Third*—A request that the Council proceed to order the improvement made.

Council to determine lands to be improved.

SEC. 4. At the regular meeting next after the meeting at which the petition is presented to the Council, or at any subsequent meeting to which the proceedings may be regularly adjourned, the said Council may, by resolution duly passed, determine the lands to be benefited by the improvement asked for in the petition, and to be assessed for the expenses thereof. Said resolution shall contain a description of each lot, piece, or parcel of land necessary to be taken and condemned for such improvement, and shall also specify the exterior boundaries of the district of lands benefited thereby, and to be assessed therefor, and shall direct the City Engineer to make a survey and map of the lands described in the resolution, a copy of which resolution shall be forthwith transmitted by the Clerk of said Council to the said City Engineer.

Duty of Engineer.

SEC. 5. It shall be the duty of the City Engineer, immediately upon receiving a copy of the resolution mentioned in section four, to survey the lands described in said resolution and make a map thereof, and to return said map to said Council within twenty (20) days from the receipt by him of said copy of the resolution; said map shall show each piece, tract, or parcel of land necessary to be taken and condemned for said improvement, and also the exterior boundaries of the district to be benefited by such improvement and to be assessed on account of the cost and expenses thereof, as declared in the resolution, and the area thereof, exclusive of



public streets and alleys. Said City Engineer shall have the right to enter upon the lands and make examinations and surveys thereof, and such entry shall constitute no cause of action in favor of the owners of said lands, except for injuries resulting from negligence, wantonness, or malice.

Right to enter land given.

SEC. 6. The Council, at its regular meeting next after the return of the map by the City Engineer, shall pass a preliminary resolution, declaring the intention of the corporation to make the improvement asked for in the petition. Said resolution shall contain a description of each piece, lot, or tract of land necessary and sought to be taken and condemned for the improvement, and also the exterior boundaries of the district of lands to be benefited thereby, and assessed for the expenses thereof; the resolution shall also specify a time, not more than fifteen (15) days from the passage thereof, for the hearing by said Council of objections to the proposed improvement, and said resolution shall be published in at least one daily paper printed and circulated in said city of Oakland, daily (Sundays and non-judicial days excepted), for at least ten (10) days prior to the time fixed for said hearing.

Council to pass preliminary resolution.

SEC. 7. If a majority of the owners of the lands in area to be assessed for the expenses of said improvement shall, on or before the day fixed by said resolution for the hearing of objections, appear and protest against said improvement, the proceedings shall be discontinued; *provided, however*, that such protest must be in writing, and shall contain a description of the land claimed by each protestant; *and provided further*, that the Council may, by an unanimous vote of all its members, approved by the Mayor, proceed to cause such improvement to be made, notwithstanding such protest.

Protest against improvements.

SEC. 8. If the owners of a majority in area of the property to be assessed for the expenses of said improvement fail to appear and protest as provided in section seven, or if the Council, by an unanimous vote, approved by the Mayor, order said improvement to be made, said Council must immediately pass a final resolution, declaring such determination. Such resolution shall refer to the preliminary resolution, mentioned in section six, by its number, for a description of the lands necessary and sought to be taken and condemned for said improvement, and the district to be assessed for the expenses thereof.

Improvements will be made upon what.

SEC. 9. Immediately after the passage of the final resolution mentioned in section eight, the Council shall apply to the County Court of Alameda County, either in term time or vacation, by petition, for the appointing of three Commissioners to assess the compensation which shall be paid to the owners thereof for the lands sought to be taken for such improvement, and to assess upon the property within the district to be benefited thereby the costs of such improvement. Said petition shall recite all the proceedings had in the premises, and shall specify the exterior boundaries of the lands sought to be taken, and also the exterior boundaries of the district of lands to be benefited thereby, and assessed for the expenses thereof. A copy of the map made by the City Engineer shall be annexed to said petition, and may be

Council to apply for appointment of Commissioners.

referred to in the petition for a description of the lands aforesaid.

Day fixed  
for hearing  
of petition.

SEC. 10. Upon filing the petition mentioned in section nine, the said County Court shall have and take jurisdiction of said proceedings, and the Judge of said Court shall, by order, fix a day for the hearing of said petition, which may be in term time or vacation, but shall be not less than ten (10) nor more than twenty (20) days from the date of said order. Said order shall further direct notice of the time and place of said hearing to be given by the Clerk, by publication in two daily newspapers published in said city, and designated in said order, for at least a period of ten days in succession.

Notice shall  
specify  
what.

SEC. 11. The notice mentioned in section ten shall specify the exterior boundaries of the lands sought to be taken for said improvement, and of the lands declared to be benefited thereby, and to be assessed for the expenses thereof, and shall further state that the damages to which the owner or owners of the land sought to be taken may be entitled for the same will be inquired into and determined, and that such damages, together with the costs of the proceedings for acquiring title to such lands, and making apportionment thereof, will be apportioned and assessed upon the lands to be benefited thereby, by Commissioners to be appointed by said Court, on the day fixed by said order for the hearing. Said notice shall be published daily for at least ten (10) days (Sundays and non-judicial days excepted) before said hearing.

Appoint-  
ment of  
Commis-  
sioners.

SEC. 12. At the time fixed for the hearing, or at such other time as the hearing may be adjourned to, the Court shall proceed to hear any party interested touching the regularity of the proceedings, and if satisfied that the proceedings have been regular, shall appoint three competent and disinterested Commissioners. The Court may at any time remove any or all of said Commissioners for cause, upon reasonable notice and hearing, and may fill the vacancies occurring among them from any cause. Any party interested may object to the appointment of any person as Commissioner, on one or more of the grounds specified in section six hundred and forty-one (641) of the Code of Civil Procedure as grounds for objection to the appointment of persons as referees.

Objections to  
appoint-  
ment.

Duties of  
Commis-  
sioners

SEC. 13. The Commissioners shall be sworn faithfully to perform their duties according to the provisions of this Act. They shall then proceed to view the lands mentioned and described in said resolution and petition, and may examine witnesses on oath, to be administered by any one of them, and shall keep minutes of the testimony so taken; they shall ascertain and appraise the value of the property sought to be taken for the improvement, and all improvements thereon partaking of the realty and of each and every estate therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately appraised; if the property sought to be taken constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned or taken, by reason of its severance from the portion sought to be taken, and the

construction of the improvement in the manner proposed, shall be appraised by said Commissioners; they shall also ascertain and determine, as near as may be, the entire costs of the proceedings for the opening, extension, or improvement, aforesaid, including the costs of Court and of the Commissioners; they shall then proceed to apportion and assess the whole amount of such costs and expenses, value of property sought to be taken, and damages to property not taken, upon the property within the district declared by the resolution of the Council to be benefited by said improvement, and shall assess each tract, lot, piece, or parcel of land within said district in proportion to the benefits received by it from said improvement.

SEC. 14. The said Commissioners, within a time to be fixed by the Court, shall make a report of their proceedings, under their hands, or the hands of a majority of them, to the said Court, in which report they shall describe, with common certainty, the several parcels of land sought to be taken for such improvement, and the names of the owners thereof, respectively; so far as they can be ascertained, designating unknown owners, if any such there be, and the sum of money which should be paid to each of said owners as his or her compensation for the land necessary and sought to be taken and condemned for said improvement, or of his or her estate therein; and in case only a part of a large parcel has been taken for said improvement, and the remaining portion is damaged or benefited thereby, they shall describe said remaining portion, and specify the sum to be paid or assessed to the owner thereof, or such damages or benefits, as the case may be; they shall also describe, with common certainty, the several parcels of land within the district, deemed to be benefited by said improvement, and the names of the owners thereof, so far as they can be ascertained, designating unknown owners, if such there be, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof.

Duties of Commissioners.

SEC. 15. Upon the filing of such report, the said Court shall, by order, fix a day for hearing objections to the confirmation thereof, and shall direct notice of the time and place of said hearing to be given by the Clerk, by publication in a daily newspaper published in said city, for at least ten (10) days (Sundays and non-judicial days excepted) prior to said day of hearing.

Court to fix day for hearing objections.

SEC. 16. Upon the day fixed for the hearing, the Court shall proceed to hear any party interested upon any question touching the regularity of the proceedings, the sufficiency of the compensation awarded, or the justice or equality of the assessment, and may confirm said report, or set the same aside, or remand the same for correction or alteration in any particular. If the report be set aside, the matter may, in like manner, be referred to the same or new Commissioners appointed by the Court, who shall proceed as hereinbefore provided; if the report be remanded, it shall be corrected or altered in any particular required by the Court.

Hearing of objections.

Compensation.

SEC. 17. The Commissioners shall be entitled to reasonable compensation for their services under this Act, to be certified by the Court, and taxed by said Court as part of the expenses of the proceeding.

Judgment rendered by Court shall contain what.

SEC. 18. Upon confirmation of the report of the Commissioners, judgment shall be rendered by the Court thereon, which said judgment must describe each parcel of land taken for such improvement, and the amount to which the owner is entitled as compensation or damages for the taking thereof, and the name of such owner or owners, if known; and in case only a portion of a larger parcel is taken, said decree must describe said remaining portion, and the amount, if anything, to which the owner thereof is entitled as damages; and must also describe each parcel of land assessed for the expenses of said improvement, and the amount so assessed upon each parcel respectively. The judgment shall direct a sale of each parcel so assessed, or so much thereof as may be necessary to pay the amount of such assessment and expenses of sale, and the application of the proceeds of such sale to the payment of the expenses of such sale and the amount of compensation and damages awarded by said judgment; the judgment shall be a lien upon the property against which such assessment is made, and may be enforced by sale of the property assessed, as provided in section nineteen.

Payment of damages.

SEC. 19. Within thirty (30) days after the entry of judgment, as prescribed in section eighteen, the persons liable must pay to the Clerk of the Court, for the benefit of the parties entitled thereto, the several amounts specified in said judgment, in default of which the respective parcels of land upon which the assessments have not been paid shall be sold by the Sheriff of Alameda County, under a certified copy of said judgment, and in the manner provided by law for the sale of property upon decree of foreclosure of mortgage.

SEC. 20. The moneys realized from the sale of lands, as provided in section nineteen, shall be paid by the Sheriff, or officer making such sale, to the Clerk of the Court for the benefit of the parties entitled thereto.

Condemnation of lands.

SEC. 21. Whenever the aggregate amount of damages or compensation awarded by the judgment of the Court shall have been paid to the Clerk, either by voluntary payment or as moneys realized from sales under said judgment, the Court must make and enter a final order or decree of condemnation of the lands taken for such improvement, which order or decree shall describe the property condemned, and the purpose of such condemnation.

Copy of decree to be filed when.

SEC. 22. A copy of the order or decree mentioned in section twenty-one must be filed in the office of the Recorder of Alameda County, and thereupon the property described therein shall vest in the City of Oakland for the uses and purposes therein specified, and said city shall be entitled to and may take immediate possession thereof.

SEC. 23. Whenever the aggregate amount of damages or compensation awarded by the judgment shall have come to the hands of the Clerk, he shall, upon the demand of any

party entitled thereto, pay to said party the amount awarded to him, or her, by said judgment.

SEC. 24. If there is more than one claimant to any parcel of land taken for such improvement, or if the owner of any parcel is unknown, the amount awarded as damages or compensation for the taking thereof shall remain in Court to be awarded to the true owner by due process of law.

SEC. 25. Any party feeling aggrieved by any proceedings, orders, or judgments under this Act, may appeal to the Supreme Court, as in other cases. Appeal.

SEC. 26. All proceedings commenced and now pending under the Act entitled "An Act to provide for the opening of streets in the City of Oakland," approved March 24th, one thousand eight hundred and seventy-six, shall be prosecuted and continued under said Act, and governed by the provisions thereof. Certain proceedings prosecuted; how.

SEC. 27. It shall be the duty of the City Council, if in their judgment they deem it for the public convenience, and as soon as practicable after the passage of this Act, to open to public travel through the property situated in said City of Oakland and known as the City Hall lot, two roadways or streets, described as follows, to wit: Duty of Council to open two roadways.

*First*—Commencing at the southwesterly corner of Washington and Fourteenth Streets; thence running northerly with a radiation westerly of four hundred feet to a point in the northerly line of Fifteenth Street, where the westerly line of Washington Street, if continued northerly through said City Hall lot, would intersect said northerly line of Fifteenth Street, which said radiating line shall be the westerly line of said street or roadway.

*Second*—Commencing at the southeasterly corner of Washington and Fourteenth Streets; thence running northerly with a radiation easterly of four hundred feet to a point in the northerly line of Fifteenth Street, where the easterly line of Washington Street, if continued northerly through said City Hall lot, would intersect said northerly line of Fifteenth Street, said radiating line to be the easterly line of said street or roadway. Each of said streets shall be of width not less than thirty feet, and shall be kept open to the public until Washington Street shall be opened and continued through that portion of said lot now occupied by the City Hall.

SEC. 28. An Act entitled "An Act to provide for the opening of streets in the City of Oakland," approved March twenty-fourth, one thousand eight hundred and seventy-six, and all Acts amendatory thereof or supplementary thereto, are hereby repealed. Repeal.

SEC. 29. This Act shall take effect immediately.

CHAP. CCCCXVIII.—*An Act to provide for the opening of new streets and for the extending and widening of existing streets in the City of San José.*

[Approved March 28, 1873.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Surveyor to make survey when streets are to be opened, etc.

SECTION 1. The Mayor and Common Council of the City of San José, upon the presentation of a petition for the opening of any new street, or for the extending or widening of any street in said city, or whenever said Mayor and Common Council shall deem such opening, extending, or widening of any street a public necessity, may, in their discretion, direct, by ordinance, the City Surveyor to make an accurate survey of any such proposed street or streets, and return the same to the Common Council at its next regular meeting, or within such time as the Common Council shall, by ordinance or resolution, direct; and for the purpose of making such survey, the Surveyor shall have the right to enter upon any and all lands, but the city shall be liable to the owner or owners for any injury done to any such promises by reason of such entry.

Notice to be given upon approval of survey

SEC. 2. If the Mayor and Common Council approve the survey provided for in the preceding section, the City Clerk shall give notice, by publishing in some daily newspaper published in the City of San José, for the period of ten days, directed generally to all persons interested, setting forth that the survey of such proposed street, or streets, and such order approving such survey, have been made, and that unless the owners of all lands included within the lines of said street as proposed to be opened, widened, or extended, shall, within thirty days after the first publication of said notice, make, execute, and deliver to the City of San José a deed or deeds of donation of such lands, proceedings will be instituted for the condemnation of the same.

Proceedings for condemnation of land.

SEC. 3. If, at the expiration of said thirty days, any one or more of the owners or claimants of any lands within the line of the streets so proposed to be opened, widened, or extended, shall have neglected or refused to make, execute, and deliver deeds of donation therefor, proceedings shall be instituted, in the name of the City of San José, against such person or persons, under the provisions of Part 3, Title 7, of the Code of Civil Procedure, for the purpose of condemning such lands to the use of the city as a public street; *provided*, that the benefits resulting to the land remaining may be offset against the value of the land actually taken, as also against any damages resulting to such adjacent land from such improvement.

Appointment of Commissioners.

SEC. 4. It shall be the duty of the Mayor and Common Council, as soon as the amount of said damages are ascertained and become final, to appoint three disinterested citizens, who are freeholders in said city, and competent judges of the value of real estate therein, as Commissioners, with

such compensation for their services in this behalf as the Mayor and Common Council shall determine, to assess the benefits to each separate lot of land fronting on said proposed street and the extension thereof, and half the distance of the adjoining blocks on each cross street; and in case any street so improved, or the extension thereof, passes through lands not designated by blocks, then, in that case, 137½ feet from the corner of any cross street.

SEC. 5. The said Commissioners shall, without delay, be severally sworn by the County Judge or other person competent to administer oaths. They shall thereafter proceed to assess two-thirds of the amount of such damages, expenses, and costs upon said lots, which are hereby declared to be benefited, as near as may be in proportion to the benefits which shall be deemed to accrue to each lot respectively; and said assessment shall be made in United States gold coin. The City of San José shall be liable for and pay the amount of the remaining one-third of said assessment.

Duty of Commissioners.

SEC. 6. Said Commissioners shall make their report, in writing, within sixty days after their appointment, and file it in the office of the City Clerk, with a special designation of the amount assessed against each lot or parcel of land, which should be paid by the owner or occupant of the same, together with a description of each parcel so assessed, and the name of the owner or occupant thereof, if known. On filing such report, the City Clerk shall give notice thereof for ten days in some newspaper published in said city.

SEC. 7. It shall be the duty of the Mayor, at the next regular meeting of the City Council after the making of the publication directed to be made in the last preceding section, to appoint a committee of three members of said Common Council, to whom said report or reports shall be referred, which said committee shall hear any objections to the confirmation of said report or reports, upon a day to be appointed by them, said day not to exceed fifteen days after their appointment, and upon such day or days as the hearing may be adjourned to, but no adjournment of such hearing to be for more than three days. Such committee shall hear the allegations of the parties interested who may appear before them, and may take proof in relation thereto, and shall recommend the confirmation or rejection of said report or reports, and said committee shall make said recommendation within thirty days after their appointment. The Mayor and Common Council may, thereupon, confirm the report of said Commissioners, or may set it or any one of them aside and refer the matter back to the Commissioners to readjust the same, if, in their judgment, it shall appear best, and upon the filing of their report or reports thereafter, the same proceedings shall be had as is herein provided for the first report or reports, and the action of the Mayor and Common Council herein shall be final and conclusive.

Referen' committee appointed for hearing objections to report.

SEC. 8. Upon the confirmation of said Commissioners' report or reports by the Mayor and Common Council, as aforesaid, the amount assessed against each lot or parcel of land therein described shall immediately become a lien

Assessment to become lien.

Form of  
assessment  
roll.

upon the respective lots and parcels upon which the same may be assessed; and the Mayor of said city shall thereupon cause an assessment roll or rolls, as the case may be, to be made, in the form used for assessment rolls in said city, except in such assessment roll or rolls to be made from such report or reports as confirmed, shall be set down in separate columns:

*First*—The name of all persons or corporations, being the owners or occupants of the lands benefited, when the same is known, and if not known, then that fact to be stated.

*Second*—The description of the tract, lot, or parcel of land in respect to which said person or persons, or corporation, or unknown owner is assessed.

*Third*—The amount, in United States gold coin, which has been assessed against such described tract, lot, or parcel of land.

Collection of  
assessments.

To which said assessment roll or rolls the Mayor shall annex his warrant and cause the same to be delivered to the Tax Collector of said city, who shall proceed to collect the same, in the United States gold coin, in the manner prescribed by law for the collection of general taxes in said city, including the same penalties for a failure to pay the same when due and payable that is prescribed for a like failure in the payment of general taxes in said city, and the same proceedings shall be had to enforce the collection of said several amounts as may be returned delinquent as is provided for the collection of delinquent taxes due said city; *provided*, that the Collector shall cause notice to be published, in some daily newspaper published in said city, of the time and place for the payment to him of such assessment, and the time that the same shall become delinquent, which shall be thirty days after he shall have received said assessment roll.

Duty of  
Collector.

SEC. 9. The Tax Collector of said city shall, at the end of every ten days after the receipt by him of said assessment roll or rolls, or either of them, reported to the Mayor and Common Council the amount of money collected by him within the preceding ten days upon such assessment, and as soon as a sufficient sum has been received the said Mayor and Common Council shall direct the payment to the persons named in said decree of confirmation as are entitled to said compensation so decreed to be paid for said tract or tracts of land; and thereupon the real estate, or the right, title, and interest thereon described in said report, shall be and become the property of said city, and shall be deemed to be acquired for and appropriated to public use as a highway or street of said city.

SEC. 10. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.



CHAP. CCCCXIX.—*An Act to provide for the refunding of the funded debt of Siskiyou County, California.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Chairman of the Board of Supervisors and the County Auditor of Siskiyou County shall constitute a Board of Funding Commissioners, who are hereby authorized to refund the outstanding funded debt of said county, upon the terms and conditions hereinafter provided. Refunding  
of debt  
authorized.

SEC. 2. The Board of Funding Commissioners shall cause to be prepared bonds equal in amount to the principal of the present outstanding bonded indebtedness of the County of Siskiyou, falling due on the first of January, A. D. eighteen hundred and eighty-nine. Said bonds shall be of the respective denominations of one hundred and five hundred dollars each, shall bear date of January first, A. D. eighteen hundred and seventy-nine, and shall be made payable on or before the expiration of ten years from the date of their issue. Said bonds shall bear interest at the rate of seven per cent. per annum, payable annually, on the first day of January of each year, at the office of the County Treasurer of said Siskiyou County. Said bonds, when issued, shall be numbered consecutively, signed by the Chairman of the Board of Supervisors, countersigned by the County Auditor, and impressed with the seal of said county. Issuance  
of bonds.

SEC. 3. Coupons for the interest falling due each year shall be annexed to each bond. Said coupons shall be signed by the Chairman of the Board of Supervisors and countersigned by the County Auditor of said county. Whenever coupons are presented for payment and paid as provided in this Act, it shall be the duty of the County Treasurer to cancel the same by writing or printing across the face thereof the words "canceled," sign his name thereto, and deliver the same to the County Auditor, taking his receipt therefor, whose duty it shall be to file the same in his office. Interest  
coupons.

SEC. 4. It shall be the duty of the Board of Funding Commissioners to keep a correct record of the number, date, and amount of all bonds issued by them under the provisions of this Act, and to refund no bonds, except the bona fide bonds of the County of Siskiyou falling due January first, A. D. eighteen hundred and seventy-nine, and the Auditor shall certify to the Treasurer the date, amount, and number of each bond issued under the provisions of this Act, who shall file the same in his office for convenient reference. Duty of  
Board.

SEC. 5. The Board of Funding Commissioners shall meet at the Auditor's office, at the county seat of said county, on the first day of January, A. D. eighteen hundred and seventy-nine, for the purpose of receiving and canceling the then outstanding bonds of said county, and issuing new bonds therefor, as provided in this Act, and said Board shall continue in session so long as necessary to accomplish that Meeting of  
Board for  
certain  
purposes.

object, not exceeding six days. They shall cause to be published, in some newspaper published in said county, once a week for thirteen consecutive weeks next preceding said meeting, a notice stating the time, and place, and purpose of said meeting, and such publication shall be held to be sufficient notice to all persons holding any of the bonds of Siskiyou County to present the same for refunding, in conformity with the provisions of this Act. All bonds not presented, in accordance with the terms of this Act, for refunding, shall cease to bear interest from that time until so presented, and no suit shall be maintainable for the recovery thereof against the county for ten years thereafter.

Payment of  
interest;  
how made.

SEC. 6. The Board of Funding Commissioners shall draw their order on the Interest Fund of said county, or on the General Fund, if there be not sufficient moneys in the Interest Fund to pay the same, for all interest due and payable on the first day of January, A. D. eighteen and seventy-nine, on the bonds presented for cancellation and refunding, as herein provided. They shall also cancel all bonds so presented, and cause the same to be filed in the office of the Auditor of the county.

Interest tax.

SEC. 7. The Board of Supervisors of the County of Siskiyou shall annually thereafter, for ten years, commencing with the year eighteen hundred and seventy-nine, levy, in addition to the ordinary taxes of said county, a special tax of not to exceed thirty cents on each one hundred dollars valuation of taxable property, to be termed "interest tax," which tax shall be assessed and collected in the same manner as other State and county taxes are assessed and collected. The fund derived from said tax shall be known as the "Interest Fund," and shall only be applied to the payment of the interest and principal of said bonds until they shall be fully paid and discharged.

Interest;  
how paid  
when  
amount  
of tax is  
insufficient.

SEC. 8. Should the amount raised by the interest tax in any given year be inadequate to the payment of the interest falling due on the succeeding January, in order to protect the faith of the county, it shall be the duty of the Board of Supervisors to make ample provision for the payment of said interest as it becomes due and payable, and for that purpose may transfer from the General Fund of said county the amount requisite to meet the deficiency, or, in the event of there being no money in the General Fund, may loan the same for a period not exceeding one year, and at a rate of interest not exceeding ten per cent. per annum. In the event of said deficiency being met by loan, it shall be the duty of the Board of Supervisors to authorize and direct the County Auditor to draw his warrant on the General Fund of the county for the amount so loaned, in favor of the party or parties so loaning the amount required to meet said deficiency as aforesaid, expressing therein the rate of interest agreed upon, not exceeding ten per cent. per annum, and made payable on a day certain, and it shall be the duty of the Treasurer to pay the same, and for the payment of which the Board shall make provision in the amount of taxes levied for that year.

Payment of  
loan; how  
made.

SEC. 9. The Board of Supervisors shall, annually, cause to be set apart as a sinking fund all moneys of the Interest Fund that may remain, if any, after paying the interest due and payable for the current year, and all moneys of the General Fund, if any, that may remain after paying all the outstanding liabilities of the year. The Treasurer shall keep an account, to be designated the "Sinking Fund Account," in which shall be entered a correct account of all moneys transferred to said fund, the date of the transfer, and the fund from whence transferred.

Sinking Fund.

SEC. 10. Whenever at any time there shall be in the Sinking Fund a sum equal to one thousand dollars or more, the County Treasurer shall advertise, in a newspaper published in the county, once a week for four consecutive weeks, for sealed proposals for the redemption of said bonds; said proposals to be filed with the County Treasurer on or before the hour of nine A. M. of the day stated in the notice for opening the same. At twelve o'clock M., pursuant to notice, the Treasurer, at his office, in the presence of the Auditor and such others as may desire to be present, shall proceed to open said sealed proposals and to accept such bids as propose to surrender bonds at the lowest valuation, not exceeding par value, to the amount then on hand in the Sinking Fund. Should there be no proposals offering to surrender bonds at less than par value, it shall be the duty of the Treasurer to pay said bonds, in the order of their issue, to the amount then on hand in the Sinking Fund; and said bonds, if not surrendered in pursuance of the notice aforesaid, shall thereafter cease to bear interest. At any time when there shall be money enough in the Sinking Fund to pay off and discharge all of the outstanding bonds issued under the provisions of this Act, it shall be the duty of the County Treasurer to publish a notice for thirteen consecutive weeks, in some newspaper published in said county, notifying the holders of said bonds then outstanding to present the same for payment; and all bonds not presented for payment in accordance therewith shall cease thereafter to bear interest.

Redemption of bonds

SEC. 11. Whenever any bonds shall have been paid and redeemed, the County Treasurer shall mark the same and each of the coupons thereto attached "canceled," affixing the date of cancellation, and shall sign his name thereto and forthwith deliver the same to the County Auditor, taking his receipt therefor, who shall make an entry of such payment and cancellation opposite to the record of the issuance of said bonds, and shall file said canceled bonds and coupons in his office.

Cancellation of bonds.

SEC. 12. The Board of Supervisors shall make provision for the payment of the necessary expenses in preparing said bonds, and shall audit and allow such sum to the Chairman of the Board of Supervisors and County Auditor, for their services as Funding Commissioners, as shall be reasonable, not exceeding five dollars per day to each of said Commissioners for all time actually and necessarily employed as such, not exceeding six days as aforesaid, and to the Chair-

Provision to be made for payment of expenses.

man of the Board mileage in coming to the meeting of said Board of Commissioners, not exceeding twenty-five cents per mile for the actual and necessary number of miles so traveled by him.

SEC. 13. This Act shall take effect from and after its passage.

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CHAP. CCCCXX.—*An Act to provide a Contingent Fund for the use of the Legislature.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation  
authorized.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to defray the contingent expenses of the Senate at the twenty-second session of the Legislature, and said amount shall be subject to its order.

SEC. 2. The moneys hereby appropriated shall be exempt from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect from and after its passage.

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CHAP. CCCCXXI.—[See volume of *Amendments to the Codes.*]

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CHAP. CCCCXXII.—[See volume of *Amendments to the Codes.*]

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CHAP. CCCCXXIII.—*An Act amendatory of and supplemental to an Act entitled "An Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction," approved April third, eighteen hundred and seventy-six.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Court of  
record  
made.

SECTION 1. The City Criminal Court in and for the City and County of San Francisco, created and established by an

Act entitled an Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction, approved April third, eighteen hundred and seventy-six, shall be, and hereby is made a Court of record, and shall have a seal, of such device as shall be adopted by the Judge thereof, a description of which shall be entered on the minutes of the Court, and filed in the office of the Secretary of State.

SEC. 2. There shall be six terms of said Court held in each year, commencing on the first Monday of the months of January, March, May, July, September, and November.

Terms of Court.

SEC. 3. The County Clerk of said city and county shall appoint one Court-room Clerk, who shall receive a salary of one hundred and fifty dollars per month; one Register Clerk, who shall receive a salary of one hundred and twenty-five dollars per month. Said Clerks shall be Deputy County Clerks, and their salaries shall be audited and paid as the salaries of Deputy County Clerks in said city are now audited and paid. On entering upon the discharge of their duties, the said Court-room and Register Clerks shall execute good and sufficient bonds to the City and County of San Francisco, to be approved by the Mayor and the Judge of said Court, in such sums as the Board of Supervisors shall direct, for the faithful performance of their duties.

Appointment of Clerks.

SEC. 4. Chapter One, of Articles One, Two, Three, Four, Five, Eight and Ten, of Title Three, Part One, of the Code of Civil Procedure, and Acts amendatory and supplemental thereto, relative to jurors, and the manner of drawing the same, are hereby made applicable to the City Criminal Court. And the Judge thereof is hereby added to the number of the Judges who are authorized to select jury lists for said city and county.

Code of Civil Procedure made applicable.

SEC. 5. The City Criminal Court has all the power which the Municipal Criminal Court of said city and county now has to regulate its forms of process and procedure, and to make all needful rules and regulations for its own government and the government of its officers.

Power given to Court.

SEC. 6. All laws regulating proceedings in said Municipal Criminal Court, or in the District Courts, are made applicable to proceedings in the City Criminal Court, so far as they are not inconsistent with the provisions of this Act; and all writs and process issued out of said Court may be executed within said city and county, and returned by the Bailiff of said Court; said Bailiff to be appointed by the Sheriff of said city and county, and to receive a salary of one hundred and twenty five dollars per month; said salary to be paid the same as the salaries of other Bailiffs are now paid, and any provisions of law authorizing the appointment of a police officer as Bailiff of said Court is hereby repealed. Said Court has the power to issue all writs of subpoena and other process, and the same may be served beyond the limits of said City and County of San Francisco, and shall be considered of the same effect as writs and process issued out of said Municipal Criminal Court, and obedience to such subpoenas and process, when properly issued and served, may

Laws made applicable.

Salary of Bailiff.

Power of Court.

be enforced in like manner as obedience to a subpoena is enforced by said Municipal Criminal Court.

Proceedings  
construed;  
how.

SEC. 7. The proceedings of the City Criminal Court shall be construed in the same manner and with like intendments as the proceedings of Courts of general jurisdiction; and to its records, orders, and judgments, there shall be accorded the like force, effect, and legal presumptions, as to the records, orders, judgments, and decrees of the District Courts, or the Municipal Criminal Court.

Power of  
Judge.

SEC. 8. The Judge of the City Criminal Court is a conservator of the peace within said city and county, and may exercise all the powers conferred on judicial officers as Magistrates. The Judge of said Court is also empowered to take and certify affidavits to be read or filed in any Court, or before any judicial officer of this State, and in other cases where a judicial oath or affidavit is required, except in those cases where such oath or affidavit shall be specially provided by law to be taken before some other officer or tribunal.

Powers  
conferred  
on Court.

SEC. 9. All the powers, duties, and jurisdiction conferred upon any Court in the City and County of San Francisco, by virtue of the provisions of an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight, or of any Act amendatory of or supplemental thereto, and all the powers, duties, and jurisdiction conferred upon any of said Courts by an Act entitled an Act relating to the Home of the Inebriate of San Francisco, and to prescribe the powers and duties of the Board of Managers, and the officers thereof, approved April first, eighteen hundred and seventy, or of any Act amendatory of or supplemental thereto, are conferred upon the City Criminal Court; this Act shall not be so construed, however, as to divest the jurisdiction of any Court now having the same under said Act or Acts.

Concurrent  
jurisdiction  
given to  
Court.

SEC. 10. The City Criminal Court shall have, with the Municipal Criminal Court, concurrent jurisdiction to hear, try, adjudicate, and determine all indictments for misdemeanor presented by the Grand Jury of the City and County of San Francisco, and transferred by the County Court to said Courts for trial; and it is made the duty of the County Court to cause all such indictments to be forthwith transferred to said City Criminal Court or to said Municipal Criminal Court, as the County Court may, by order, direct.

Trial of mis-  
demeanor by  
jury; where  
assigned.

SEC. 11. Whenever, in the Police Judge's Court of said city and county, any person charged with a misdemeanor which said Court has jurisdiction to try and determine, shall demand a jury trial, excepting charges of violation of the ordinances of said city and county over which said Police Judge's Court shall have exclusive jurisdiction, such cause shall be forthwith assigned and certified for trial to the City Criminal Court, which Court shall thereupon have full power to hear, try, adjudicate, and determine the same.

Original  
jurisdiction  
of Court.

SEC. 12. The City Criminal Court has original jurisdiction to hear, try, and determine, either by the Court in cases where a jury trial is waived by the defendant and such

waiver assented to by Court, or by jury, all statutory misdemeanors, where the fine does not exceed one thousand dollars or the imprisonment exceed one year; and shall have power to issue all necessary process or order to obtain such jurisdiction; *provided*, this section shall not be so construed as to affect the operation of section eleven of this Act relative to the trial of indictable misdemeanors.

SEC. 13. In all cases transferred from the Police Judge's Court for trial in the City Criminal Court, the defendant shall lose no right of demurrer or plea by reason of such transfer, and may, with the consent of the Court, waive a jury trial.

SEC. 14. In all cases where the City Criminal Court is authorized to impose a fine, or imprisonment in the County Jail, or both, it may, instead thereof, sentence the offender to imprisonment at hard labor in the House of Correction of said city and county, or to labor on the public works of said city and county, for a period of time equal to the term of imprisonment which might legally be imposed; and may, in case of imposing a fine, embrace, as part of the sentence, that in default of payment of such fine the offender shall be employed to work in the House of Correction or on the public works, at the rate of two dollars per day, until the fine be thereby paid. By the term public works, as used in this Act, is understood the construction, repair, or cleaning of any street, road, dock, wharf, public park, building, or other work whatsoever which is authorized to be done by and for the use and benefit of said city and county, the expense of which is not to be borne exclusively by the individuals or property particularly benefited thereby.

Manner of  
punishment  
prescribed  
by Court.

SEC. 15. When any vacancy occurs in the office of Judge of the City Criminal Court, the Governor shall appoint a suitable person to fill the same for the unexpired term. Whenever, from sickness or other just and legal cause, the Judge of the City Criminal Court is unable to serve, he shall call in the County Judge of any neighboring county. The Judge so acting instead of the Judge of the City Criminal Court shall have power to perform any and all the duties of the Judge of the City Criminal Court, and shall hear, try, adjudicate, and determine all cases and proceedings over which said Judge has jurisdiction.

Vacancy;  
how filled.

SEC. 16. All Acts and parts of Acts in conflict with this Act are hereby repealed.

CHAP. CCCCXXIV.—*An Act to ratify and confirm resolution number eleven thousand nine hundred, new series, of the Board of Supervisors of the City and County of San Francisco.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Resolution  
ratified.

SECTION 1. Resolution number eleven thousand nine hundred (new series) of the Board of Supervisors of the City and County of San Francisco, vacating Florida, York, Hampshire, and Jersey Streets, from Twenty to Twenty-first Streets, Columbia Street from Twenty-first to Butte Street, and Shasta Street from Potrero Avenue to Harrison Street, and opening in lieu thereof Alabama Street, from Twenty-first Street to Butte Street, and Columbia Street, Bryant Avenue, York, and Hampshire Streets, from Twenty-first to Twenty Streets, is hereby ratified and confirmed, and said streets vacated are hereby declared to be severally vacated, and said streets opened are hereby declared to be opened in accordance with the terms of said resolution.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCXXV.—*An Act to declare Clear Lake, in Lake County, navigable.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Lake  
declared  
navigable.

SECTION 1. Clear Lake, in Lake County, in the State of California, is hereby navigable. Nothing herein contained shall be deemed to interfere with rights of swamp or overflowed land owners and claimants around the margin of said Lake to reclaim the same, as now authorized and provided for by law.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXVI.—*An Act providing for the payment of certain salaries out of the "Special Fee Fund" of the City and County of San Francisco.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Payment out  
of Special  
Fee Fund  
authorized.

SECTION 1. The salaries of such Clerks as are now employed in the different departments of the government of the City



and County of San Francisco, under authority of the Board of Supervisors of said city and county, and not otherwise provided for by law, and which are now paid out of the "Urgent Necessity Fund," may hereafter be allowed by said Board and be audited and paid out of the "Special Fee Fund" of said city and county.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCXXVII.—*An Act to authorize the City of San José to issue bonds to provide sewerage for said city.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The City of San José is hereby authorized to issue, either at one time, or from time to time, in its corporate name, its bonds, to be known as the "Sewerage Bonds of the City of San José, State of California," but said question of issuing sewer bonds shall be submitted for decision to the qualified voters of said city in the following manner: There shall be two kinds of tickets, one kind with the words "For Sewerage Bonds" printed thereon, one kind with the words "Against Sewerage Bonds" printed thereon, and the majority of votes for or against the issuance of said bonds shall decide the question. Said question to be submitted to a vote of the qualified voters at the municipal election to be held in the City of San José on the second Monday in April, 1878, to such an amount, not exceeding the aggregate sum of one hundred thousand dollars, as the Mayor and Common Council of said city may deem necessary and proper, pledging the faith of the City of San José that, on or before the first day of January, eighteen hundred and eighty-nine (1889), it will pay, in gold coin of the United States, to the holder of such bond, at the office of its Treasurer, in the City of San José, a sum of money to be therein stated, which shall not be less than one hundred nor more than one thousand dollars, and that it will also, semi-annually, on the first day of January and the first day of July, pay at said office interest thereon, in like gold coin, at the rate of six per centum per year, upon the delivery to said Treasurer of the coupon for interest then due.

Question of  
issuing  
bonds to be  
submitted  
to people.

SEC. 2. Said bonds shall be prepared by the City Treasurer, and shall be numbered consecutively, and shall be recorded and signed by him, and shall then be signed by the Mayor and delivered to the City Clerk, who shall countersign them and register them in his office. The register of the City Treasurer and City Clerk shall each show the number, date, and amount of each bond, and when it was issued, and to whom. Each bond shall have attached to it coupons for the semi-annual interest, each of which

Require-  
ments of  
bonds.

Interest  
coupons.

coupons bearing the number of its bond, the date when it will become due, the amount to be paid, and the number of its series in the order of becoming due, making the coupons first due number one. Said coupons shall be signed by the City Treasurer, Mayor, and City Clerk.

Disposal  
of bonds.

SEC. 3. The Mayor and Common Council of the City of San José may dispose of the whole or any part of said bonds at one time, or from time to time, as may be deemed proper, by offering them to the highest bidder, at not less than par, in gold coin of the United States, after having given at least thirty days' notice, in two newspapers published in the City of San José, and one published in the City of San Francisco, of the time and place, where and when the bids will be opened, and the terms and conditions, if any, that must accompany the bids. The said Mayor and Common Council shall have the right to reject the whole or any part of the bids that may be received, and they shall not have the right to make any contract or announcement to the contrary.

Interest  
coupons;  
how paid.

SEC. 4. Whenever any interest coupon that is due is presented to the City Treasurer of said city, he shall pay the same out of the Sewerage Interest Fund, and no order, authority, or warrant shall be necessary to authorize the Treasurer to make the purchases and payments required by this Act, and the delivery by him to the City Clerk of the canceled bond or coupon shall be the Treasurer's sufficient voucher in the settlement of his accounts. And so much of any law as is contrary to the provisions of this section is hereby repealed, so far as it conflicts with the operation hereof.

Interest tax.

SEC. 5. At the time of making the annual levy of city taxes, and until the bonds issued under the provisions of this Act have been paid, the Mayor and Common Council of said City of San José shall annually levy a special tax, to be known as the sewerage interest tax, sufficient to pay the annual interest on the outstanding bonds issued under this Act.

Redemption  
tax.

SEC. 6. During the fiscal year of eighteen hundred and eighty-eight (1888) and eighteen hundred and eighty-nine (1889), at the time and in the manner of levying and collecting city taxes, and during each fiscal year thereafter, until all of the bonds issued under the provisions of this Act are fully redeemed and paid, the Mayor and Common Council of the City of San José shall levy and collect a special tax of twenty-five thousand dollars, or a sufficient amount to pay each year twenty-five per cent. of the bonds so issued. Said special tax shall be known as the sewerage bond redemption tax, and shall constitute by itself a fund of the city treasury to be known as the Sewerage Bond Redemption Fund. Said bonds shall be redeemed in the regular order of their numbers, beginning at number one. All bonds and coupons when paid by said Treasurer shall be marked by him across their face with the word "canceled," which cancellation shall be signed by him as such Treasurer.

SEC. 7. The money accruing under section five of this Act shall not be used for any purpose whatever, except for

paying the interest as it may become due on the bonds issued under authority of this Act. And the money accruing under section six of this Act shall not be used for any purpose whatever, except for paying and redeeming the bonds issued by authority of this Act.

SEC. 8. The money arising from the sale of the bonds issued under the provisions of this Act shall be paid into the treasury of the City of San José, to the credit of and shall form a Special Sewerage Fund, and shall only be used in constructing and providing for the main sewerage of the City of San José. The surplus, if any, remaining in said funds when the matters named in this section are wholly completed and paid for, shall be transferred to such fund or funds as the Mayor and Common Council of said city shall direct. Disposal of proceeds of sale.

SEC. 9. It shall be a part of the contract between said City of San José and the purchasers or holders of the bonds issued under the provisions of this Act, that as long as any of said bonds remain unpaid and unredeemed by said city, said city shall not issue bonds for any other purpose whatever; and this Act shall be printed on the back of each bond issued under it, and shall form a part of the contract between the city and the holder of the bond.

SEC. 10. The Mayor and Common Council shall allow to the several officers and other persons necessarily employed in preparing the bonds authorized by this Act, such reasonable compensation for their several services as may be just, which compensation shall be paid out of the General Fund of said city. Compensation.

SEC. 11. All Acts or parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

SEC. 12. This Act shall take effect immediately.

CHAP. CCCXXVIII.—*An Act to amend an Act to establish a Board of Commissioners for the former Pueblo or City of Sonoma, and other matters relating thereto, to define the powers and duties of said Commissioners, and to repeal all other Acts relating to the said pueblo or city, the provisions of which are inconsistent with the provisions of this Act, approved March 30th, 1868.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Amend section one of said Act, to be amended so as to read as follows: Section 1. G. T. Pauli, Otto Schelter, and John Tirnen, are hereby appointed a Board of Commissioners of and for the Pueblo or City of Sonoma, in the County of Sonoma and State of California, with power to fill all vacancies that may occur in their number. Commissioners appointed.

SEC. 2. Section five of said Act to be amended so as to read as follows: Section 5. The said Commissioners are Power of Commissioners.

empowered to levy and collect a special tax, in an amount sufficient to pay all cost, expenses, and fees that may be requisite to fully settle up and finish all the proceedings and business relating to the lands and survey of the Pueblo of Sonoma, and procuring a patent for the same, and also for the payment of all just claims of the former Commissioners.

Duty of  
Commissioners.

SEC. 3. Section twenty-one of said Act to be amended so as to read as follows: Section 21. The said Commissioners shall keep a full and complete record of their proceedings.

SEC. 4. Section twenty-two of said Act to be amended so as to read as follows: Section 22. The said Commissioners shall, as soon as practicable, close up and finish all their labors connected with the business of the said City or Pueblo of Sonoma, and shall, at the close of their official business, pay over to the Public School Trustees of the Sonoma and St. Louis School Districts, ratably, according to the number of scholars in each district, as appears by the returns of the Census Marshals of said districts preceding the distribution of said funds. All moneys in their hands not otherwise appropriated, to be used by said Trustees for school purposes in said districts, and shall deposit in the Recorder's office of Sonoma County all books, records, papers, documents, and matter in their possession or under their control, relating to the said City or Pueblo of Sonoma.

CHAP. CCCCXXIX.—*An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Office  
created.

SECTION 1. The office of State Engineer is hereby created, which shall, before the first day of May, eighteen hundred and seventy-eight (1878), be filled by appointment by the Governor of the State, for a term of two years.

Compensation.

SEC. 2. The compensation of the State Engineer shall be six thousand dollars per year.

Duty of  
Engineer.

SEC. 3. The duty of the State Engineer shall be, under the direction of the Governor, to investigate the problems of irrigation of the plains, the condition and capacity of the great drainage lines of the State, and the improvement of the navigation of rivers.

Same.

SEC. 4. In order to carry out the purpose specified in section three, it shall be required of the State Engineer to ascertain as nearly as possible the following named facts, and to express opinions as is hereby required:

*First*—To ascertain the present water-carrying capacity of the Sacramento and San Joaquin Rivers, in the different sections which are liable to overflow.

*Second*—Whether the carrying capacity can be increased, and if so, by what means, and at what cost. Duty of  
Engineer.

*Third*—The maximum quantity of water which may reasonably be expected to present itself, on any day, at the head of any of the sections of the rivers as before mentioned.

*Fourth*—Whether it is possible to make the rivers carry the maximum quantity thus ascertained, and if not, to suggest such other measures as may be judicious for the relief of the rivers and the protection of adjoining lands, and to give detailed estimates of the cost of the suggested works.

*Fifth*—To ascertain whether there has been any change in the height of beds of the navigable rivers of the State, and if so, to determine as nearly as may be the extent of this change, and the cause or causes to which it is due, and whether change is now taking place in the height of the beds of the rivers, and if so, what legislation, if any, will be effectual in preventing the rise of the beds, or in diminishing the rate of rise.

*Sixth*—To ascertain the effect of any change in the bottom of the rivers, or the carrying capacity, and the height of floods in the rivers.

*Seventh*—To ascertain the position and acreage of all lands in the valleys of the State, which are now or may be in the future in need of irrigation; to divide these lands into their natural districts; to ascertain the water source or sources from which each district may be most conveniently irrigated; to ascertain the quantity of water which these sources can supply in different years for irrigation; the length of time in each year during which these sources will supply sufficient water for irrigation; make studies of the best means for irrigating each district, and give his opinion and advice to such parties as may be engaged in irrigating a district, or who may be about to undertake the irrigation of a district, and for this advice no compensation shall be received from the parties to whom the advice is given.

*Eighth*—The State Engineer shall also inquire into the relation which hydraulic mining bears to the navigation of the rivers, and to their carrying capacity; to inquire into the question of the flow of debris from the mines into the water-courses of the State; to ascertain the amount and value of agriculture lands and improvements which have been covered up or injured by the overflow or deposit of debris, coming from the hydraulic and other mines in the Sacramento Valley, and to devise a plan whereby the injuries caused thereby can be averted without interfering with the working of such mines.

*Ninth*—In addition to making these inquiries, the State Engineer shall make such other investigations as may appear to him to be necessary, and approved by the Governor, for the proper and complete solution of the problem stated in section three.

*Tenth*—Inasmuch as these inquiries involve a broad and scientific treatment of the physical facts of the water system of the State, and as their study may properly be divided, the Governor is authorized to employ, for the purpose of advis-

Duty of  
Engineer.

ing and assisting the State Engineer, two consulting engineers, acquainted with hydraulic engineering, and of good standing in their profession, who shall receive not exceeding three thousand dollars a year each, and who shall join with the State Engineer in making his final report.

*Eleven.*—In addition to the compensation herein stated, the engineers shall be entitled to their actual reasonable expenses of travel while engaged on the duties prescribed by this Act.

*Twelve.*—The State Engineer shall make monthly reports, at the close of each calendar month, of the operations of his office in the preceding month, and shall therein mention the operations contemplated in the next ensuing month. On the first of October of each year he shall make to the Governor an annual report of operations during the past year.

*Thirteen.*—The Governor is authorized to appoint a Secretary, who shall keep the records of the office of the State Engineer, and who shall, under the direction of the Engineer, and subject to such regulations as the Controller of State shall establish, make the disbursements required by this Act. The Secretary shall be required to give bonds for the faithful disbursements of the money, in the sum of ten thousand dollars, and shall receive a compensation of twenty-four hundred dollars per annum.

*Fourteen.*—The State Engineer may employ such assistants in the execution of his duties as may from time to time be required, the number of persons and the rates of compensation being approved by the Governor.

*Fifteen.*—The office of State Engineer shall be in the State Capitol building.

*Sixteen.*—For the purposes of this Act, the sum of one hundred thousand dollars, or so much of it as may be necessary to cover the expenses of the operations of two years, beginning May first, eighteen hundred and seventy-eight (1878), is hereby appropriated.

*Seventeen.*—On January first, eighteen hundred and eighty (1880), the State Engineer shall report to the Legislature a full statement and history of his operations up to that date, the condition of the inquiry, the important facts that have been ascertained, either accurately or approximately, and the deductions or recommendations which have been justified by the inquiry in regard to the principles which ought to govern in the irrigation of lands, and in relief of the rivers when in flood, with such practical recommendations as he may see fit.

SEC. 5. This Act shall be in force from and after its passage.

CHAP. CCCCXXXI.—*An Act to provide for transcribing the Great Register of El Dorado County.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The County Clerk of El Dorado County is hereby authorized and directed to procure for the purpose, and transcribe and enter in the same from the Great Register of El Dorado County, the names of the qualified electors of said county, which entry shall show: Duty of Clerk.

*First*—The name at length.

*Second*—Age (omitting fraction of years).

*Third*—Country of nativity.

*Fourth*—The place of residence.

*Fifth*—If naturalized, the time and place of naturalization.

*Sixth*—The date of the entry in the original Great Register.

Each name must be numbered in the order of its entry.

SEC. 2. The Clerk shall be allowed for his service in making such transcription the sum of twelve cents per name, payable out of the Current Expense Fund of said county. Fee.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXXII.—*An Act to amend an Act entitled "An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof," approved March eighteenth, eighteen hundred and seventy-four.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of said Act is hereby amended so as to read as follows: Section 1. The County Clerk shall be ex officio Clerk of the District, County, and Probate Courts, of the Boards of Supervisors, Equalization, and Canvassers, Auditor, County Sealer of Weights and Measures, and Clerk of the Board of Swamp Land Commissioners. The Sheriff shall be ex officio Tax Collector. County Clerk ex officio Clerk of what.

SEC. 2. Section three of said Act is hereby amended so as to read as follows: Section 3. The salary of the Sheriff shall be five thousand seven hundred dollars per annum. In addition to his salary, he may retain for his own use the mileage received by him in civil actions, the amounts allowed him by the State for the transportation of prisoners to the State Prison, and of insane persons to the Insane Asylums, all amounts received by him from counties other than Yolo County for services performed for such counties Salary of Sheriff.

in criminal proceedings, and the amount of all fees and percentage received by him, as Tax Collector, for the collection of licenses; and the provisions of this Act, relative to paying over his fees, shall have no application to the amounts authorized to be retained by him under the provisions of this section. The above allowances shall constitute the entire compensation of the Sheriff in such office or as ex officio Tax Collector, including the services of all his deputies or Jailers.

Salary of  
Treasurer.

SEC. 3. Section five of said Act is hereby amended so as to read as follows: Section 5. The salary of the County Treasurer shall be two thousand dollars per annum, which shall be the only compensation received by him or any of his deputies, except that he may retain for his own use the mileage allowed him by the State for traveling to the Capital to make his settlements.

SEC. 4. This Act shall take effect and be in force from and after the first Monday in March, eighteen hundred and eighty.

CHAP. CCCCXXXIII.—*An Act to amend an Act entitled "An Act to authorize the County Treasurer of El Dorado County to transfer certain funds," approved March sixteenth, eighteen hundred and seventy-six.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Transfer of  
surplus  
funds to  
supply  
deficiency.

SECTION 1. Section one of said Act is hereby amended to read as follows: Section one (1). On the first Monday in November, eighteen hundred and seventy-eight, and on the first Monday in November, in each year thereafter, the County Treasurer shall, after the close of his official business on that day, estimate the amount of warrants, if any, then outstanding, against each of the several funds, viz., the "Salary Fund," "The Current Expense Fund," and the "Hospital Fund;" and should there be a surplus in one or more of said funds, more than sufficient to pay the warrants outstanding against such fund or funds, respectively, he shall transfer such surplus to either of such funds in which there may be a deficiency, and if there be a deficiency in more than one of said funds, then such surplus shall be transferred to the fund in which the greater deficiency shall exist.

SEC. 2. This Act shall take effect and be in force from and after its passage.



CHAP. CCCCXXXIV.—*An Act relative to the Board of Trustees of the City of Sacramento.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Board of Trustees of the City of Sacramento are hereby authorized, at any regular or special meeting hereafter to be held, to levy, for the fiscal year commencing on the first Monday in April, 1878, on all the taxable property in said city, for city purposes, a tax amounting in the aggregate to two dollars and twenty cents on each one hundred dollars in assessed value of said property; said tax to be levied and the proceeds thereof to be apportioned as follows: For the General Fund, 40 cents on each \$100; for the Contingent Fund, 5 cents on each \$100; for the Paid Fire Department Fund, 28 cents on each \$100; for the Fire Department Bond and Interest Fund, one cent on each \$100; for the School Fund, 30 cents on each \$100; for the Police Fund, 15 cents on each \$100; for the Fowle Bond Redemption Fund, 12 cents on each \$100; for the Special Water-works, 5 cents on each \$100; for the Funded Debt Sinking Fund, 20 cents on each \$100; for the Street Intersection Fund, 5 cents on each \$100; for the Street Repair Fund, 10 cents on each \$100; for Street Sprinkling Fund, 12 cents on each \$100; for the Levee and Drainage Fund, 27 cents on each \$100; for the Sewer Repair Fund, 10 cents on each \$100; *provided*, that none of the said Sewer Repair Fund shall be used in building or repairing wooden sewers in said City of Sacramento; *provided further*, that the Tax Collector of the City of Sacramento shall receive \$960 per annum for all services rendered in collecting the city taxes for the years 1878 and 1879, payable out of the General Fund of said City of Sacramento when the said taxes become delinquent in said years.

SEC. 2. The said Board are also authorized to levy, for the fiscal year commencing on the first Monday in April, 1879, on all taxable property in said city, for city purposes, a tax amounting in the aggregate to two dollars and twenty cents on each one hundred dollars in assessed value of said property, said tax to be levied, and the proceeds thereof to be apportioned as provided in section one for the levy and apportionment of the tax therein provided for.

SEC. 3. The Auditor is hereby allowed until the 25th day of April, 1878, to extend and certify the assessment roll of said city for the fiscal year commencing on the first Monday in April, 1878. The Auditor, in extending said assessment roll, need not specify the amount or rate of tax for any or either of the funds mentioned in section one, but it shall be sufficient to insert the total tax and total rate under the appropriate headings. So far as the said extensions shall be completed at the date of the passage of this Act, the Auditor and Tax Collector of said City of Sacramento may each and

Board authorized to levy tax.

Apportionment of tax.

Time allowed to Auditor for extending assessment roll.

both disregard the entries so made thereon, under the headings for particular funds, and the assessment roll shall stand and have the same force and effect as if said entries had not been made; and said assessment roll is hereby declared valid in every respect.

SEC. 4. This Act shall be in force from and after its passage.

CHAP. CCCCXXXV.—*An Act to amend an Act approved April first, eighteen hundred and seventy-six, entitled "An Act to extend the Act of April twenty-first, eighteen hundred and fifty-six," approved April first, eighteen hundred and sixty-four.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Provisions  
of Act  
extended to  
certain  
counties.

SECTION 1. Section one of an Act entitled "An Act to extend the Act of April twenty-first, eighteen hundred and fifty-six," is amended so as to read as follows: Section one (1). The Act concerning hogs running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, and amended March fourth, eighteen hundred and fifty-seven, to extend to the Counties of Yolo, San Mateo, Santa Cruz, San Joaquin, San Bernardino, Sutter, Santa Barbara, San Luis Obispo, Los Angeles, and Tuolumne, is hereby extended and made applicable to the Counties of Placer, Plumas, and Lassen.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. CCCCXXXVI.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCXXXVII.—*An Act to authorize the Board of Supervisors of Alameda County to establish a receiving hospital in the City of Oakland.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Receiving  
hospital  
authorized  
to be con-  
structed.

SECTION 1. The Board of Supervisors of Alameda County are hereby authorized and directed to establish and main-

tain within the limits of the City of Oakland a receiving hospital, for the reception and temporary care of indigent sick or otherwise dependent poor of the county who, because of physical infirmities, are not able to be transported or removed to the present County Hospital of said Alameda County; *provided, however*, that no person shall be taken to or be kept in said hospital, hereby authorized to be established, when or after such person is able to be removed to the present County Hospital.

SEC. 2. Said Board of Supervisors, in conjunction with the Board of Health of the City of Oakland, shall have full power and control over said hospital and the officers and the employes thereof, and all expenses incurred or claims created under the provisions of this Act shall be allowed and paid out of the "Infirmity Fund" of Alameda County, in the same manner as other expenses and claims are allowed and paid out of said "Infirmity Fund."

Control of hospital.

SEC. 3. This Act shall take effect immediately.

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CHAP. CCCCXXXVIII.—[See volume of *Amendments to the Codes*.]

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CHAP. CCCCXXXIX.—*An Act to repeal certain sections of an Act entitled an Act concerning public roads in Lassen County, approved March 29th, 1876, and to exempt said county from the provisions of Section 2,726 of the Political Code, and to amend Section 2,653, so far as it relates to said County of Lassen.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, fourteen, fifteen, and nineteen of an Act concerning public roads in Lassen County, approved March 29, 1876, are hereby repealed.

SEC. 2. The County of Lassen is hereby exempted from the provisions of section twenty-seven hundred and twenty-six of the Political Code.

County exempted.

SEC. 3. Section twenty-six hundred and fifty-three of the Political Code, so far as it relates to the County of Lassen, is hereby amended so as to read as follows: Section 2653. From the property road tax collected from all sources, the Board of Supervisors may annually set apart a sum not exceeding fifty per cent. of the aggregate for general county road purposes, from which they may direct such amounts to

Money to be set apart for road purposes.

be paid as may be found necessary for such general road purposes in which the inhabitants of all the districts are more or less interested. The object of the appropriation must be specified in each order made therefor. The Board shall have no power to create debt on any road district in excess of ten per cent. on the estimated amount of tax receipts from said district for the next ensuing year.

SEC. 4. The general road law of the State shall be in force in said County of Lassen so far as it does not conflict with this Act.

SEC. 5. This Act shall take effect immediately.

CHAP. CCCCXL.—*An Act to amend an Act entitled "An Act to revise an Act entitled an Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government," approved April 1st, 1876.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Amended.

SECTION 1. An Act entitled "An Act to revise an Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government," approved April 1st, 1876, be and the same is hereby amended so as to read as follows:

#### ARTICLE I.—INCORPORATION AND CITY BOUNDARIES.

Incorporation.

SECTION 1. The corporation or body corporate, now existing and known as the City of Los Angeles, shall, except as hereinafter altered, amended, changed, or enlarged, remain and continue to be, and with such changes, and alterations, enlargements, hereby is incorporated as a public corporation, body corporate and politic, by and under the said name of "The City of Los Angeles."

City boundaries.

SEC. 2. The boundaries of said city shall be as follows, to wit: Commencing at a point in the County of Los Angeles, State of California, one hundred chains south of and thirty-five chains and seventy links east from the common corner of townships one and two south, and ranges thirteen and fourteen west, of the San Bernardino base and meridian; running thence east four hundred and twenty-one chains and thirty-six links; thence north four hundred and forty-one chains and thirty-six links; thence west four hundred and twenty-one chains and thirty-six links; thence south four hundred and forty-one chains and thirty-six links to the place of beginning, said courses being according to the true meridian, said boundaries embracing an area of eighteen thousand five hundred and ninety-seven and one-seventh acres of land.

ARTICLE II.—GRANTS OF RIGHTS, POWERS, ETC.

SECTION 1. There is hereby granted to said corporation, <sup>Rights, powers, etc., of corporation.</sup> to be by it held and enjoyed in absolute ownership, the full, free, and exclusive right to all the water flowing in the River Los Angeles, at any point from its source or sources to the intersection of said river with the southern boundary of said city; also the right to develop, economize, use, and utilize all waters flowing beneath the surface in the bed of said river, at any point or points between the points of termini above given, and for that purpose it is hereby declared that the powers to condemn property outside of the limits of said city, given by provisions of Section 2, Article II, of this Act, in so far as the same relate to the condemnation of the property in water for increasing the water supply of said city, are intended to be given, and be restricted to such sources of supply, and to the rights therein, and provided that said corporation shall not in any manner dispose of, transfer, or convey any portion of said water, or any right to develop or use the same, or any portion thereof, to any corporation, association, individual, or other person, who might or would use the same in any way prejudicial to the use thereof for irrigation, domestic, and culinary purposes, within the limits of said city, or who might or would at any time, for any good or valuable consideration, desire to sell or in any way dispose of to any person, natural or artificial, any interest therein, or right to the use thereof; and *provided further*, that the said corporation, by ordinance duly enacted by its Council, as hereinafter provided, shall have the power:

*First*—To declare and make all zanjas now existing, or hereafter constructed within the limits of said city, public zanjas. <sup>Shall declare zanjas.</sup>

*Second*—To fix, regulate, and control the amount and disposition of the water which shall run and be contained in and conveyed by each and every one of said zanjas. <sup>Shall regulate water.</sup>

*Third*—To make and enforce all rules and regulations necessary to maintain and protect said zanjas and the waters flowing therein, and to prevent the defilement or pollution of said waters by the throwing into said zanjas of any filth or matter detrimental to the public health, or by the discharging thereinto of the contents of any drain, sewer, or sink, or in any other manner whatsoever, and to provide for the prosecution and punishment in the proper Courts of all persons offending against said rules and regulations. <sup>Shall prevent obstruction of zanjas.</sup>

*Fourth*—To alter, enlarge, extend, improve, close, and vacate all such zanjas as the public interest may demand.

SEC. 2. Under said corporate name the said corporation is declared a public or municipal corporation, and by such name shall have perpetual succession, may make and use a corporate seal, and change and alter the same at pleasure; sue and be sued, plead and be impleaded, in any and all Courts of justice, and all actions, suits, and proceedings whatever; may purchase, hold, and receive property, real and personal, or either, within or without the limits of said city, for any or all of the following purposes, to wit: <sup>Corporation, further powers.</sup>

*First*—For public buildings, public works and improvements, for public parks, and burial grounds, and cemeteries, or either.

*Second*—For the establishment and maintenance of hospitals and asylums for the care of the decrepit and invalid persons, persons afflicted with contagious, loathsome, or other diseases, or either.

*Third*—For the erection and maintenance of jails, work-houses, and houses of correction, or either.

Water-works, their purpose.

*Fourth*—For the construction, maintenance, and operating of water-works, dams, reservoirs, ditches, canals, and other means to supply the city and its inhabitants with water for the purposes of domestic use and of irrigation, and to distribute such water, either in zanjias, ditches, pipes, or otherwise, into, upon, and over the lands within the limits of said city, or for either of said purposes.

*Fifth*—For the purpose of establishing and constructing, maintaining and operating of gas-works, and distributing the same in pipes or otherwise into and throughout said city, or either.

*Sixth*—For the purpose of laying out and opening, extending, widening, or otherwise improving streets, alleys, lanes, sidewalks, and crosswalks within said city.

*Seventh*—For the purpose of laying out, building, and constructing sewers, drains, cesspools, or either.

*Eighth*—For the erection, establishment, and maintenance of public school buildings, a public library, and a poor farm, or either of them.

Shall condemn property.

*Ninth*—For any or all other public or municipal objects, as required for the protection, benefit, and convenience of said city and its inhabitants, and for any or all such purposes and objects in this section enumerated or referred to, the said corporation shall have the right, and is hereby empowered, to condemn any and all property required to be taken therefor, and to levy and collect all assessments, in the manner hereinafter provided, or as otherwise provided by law.

Taxes; the amounts thereof.

SEC. 3. The said corporation shall have further power, and is hereby further authorized, through its officers and agents, as hereinafter provided, or as is now, or may hereafter be prescribed by the ordinances, by-laws, resolutions, rules, and regulations of said city, passed and adopted in pursuance hereof, to assess, levy, and collect each year upon all property, both real and personal, in said city, and taxable under the laws of the State, taxes for general municipal purposes, which shall not exceed for any year the sum of one dollar and fifty cents on each one hundred dollars worth of property, both real and personal, according to the assessed value thereof, within said city, and the said corporation is also hereby authorized and directed to assess, levy, and collect, each year, at the same time, such other taxes as may be required to be imposed, levied, and collected by special Acts of the Legislature for the payment of interest and principal of any of the funded indebtedness of said city.

To dispose of property; the proceeds.

SEC. 4. The said corporation, through its officers and agents, as hereinafter provided, or as may be provided by

the ordinances, by-laws, rules, orders, and regulations passed and adopted in pursuance hereof, shall have the further power, and is hereby authorized, subject to the restrictions, provisions, and conditions herein contained, to manage and control, to sell, lease, or otherwise, except by mortgage or hypothecation, or as herein provided, dispose of any or all of the property of said corporation, and to appropriate the proceeds, profits, or other income therefrom, to the use and benefit of said corporation; *provided*, that no sale shall be made by said corporation, under this section, excepting by ordinance duly enacted, approved, and published, at least once a week, for eight (8) consecutive weeks, authorizing and directing said sale, and the manner thereof, except in case of execution of deed for the purpose of quieting equitable title, in which case no ordinance shall be required.

SEC. 5. The Mayor and Council shall have power, by ordinance, to provide for the licensing, regulating, restraining, suppressing, and prohibiting, or either, of any or all hawkers, peddlers, pawnbrokers, dance-cellars, melodeons, shows, circuses, billiard tables, bowling and ten-pin alleys, faro banks, gaming with cards, games of chance, gambling houses, tables, or stands, bawdy-houses, the keeping of bees within the city limits, and any and all noxious and offensive, immoral, indecent, or disreputable places, business, and practices, or either, in said city: also, to license the carrying on and conducting of any and all professions, trades, callings, occupations, or other business, by any person, natural or artificial, within the corporate limits of said city: to fix the amount of license tax thereon, and to be paid by such persons therefor at such sums, respectively, as the said Council shall think equitable and just: and may, in the name and for the benefit of said corporation, enforce, in such manner as it see proper to prescribe, the payment of such license taxes, by suit, either with or without attachment, in the proper Court, under the laws of this State, or by fine and imprisonment, or either, or in such other manner as in said ordinances may be provided; also, to provide, by ordinance, for the prevention of vagrancy within said city, and for the punishment, confinement, imprisonment, and employment, or either, of any and all persons having no visible and reputable means of support, or leading idle and dissolute lives.

Power of  
Mayor and  
Council.

SEC. 6. The Council shall have the further power, by ordinance, to create the offices of Superintendent of Streets, Zanjero or Water Overseer, and any other offices, or either, as it may think necessary or required for the more efficient government of said corporation; and may in such ordinances provide for the election or appointment of any and all officers, as it shall deem best, and prescribe their respective powers and duties. Should the office of Superintendent of Streets be created, the Council may delegate to such officer such power as it may see fit regarding the making of repairs and improvements upon streets and other public grounds, when the expenditure therefor will not exceed the sum of two hundred dollars.

## ARTICLE III.

Officers to be  
the same.

Officers  
defined; how  
elected and  
appointed.

Wards of  
city, elec-  
tors, etc.

Vacancies;  
how filled.

SECTION 1. Until the holding of the meeting of the Council, as required by Section 3, Article IV, of this Act, to be held after the general municipal election in December, A. D. 1878, the officers of said corporation shall continue to be the same as exist at the passage of this Act, viz.: A Mayor, twelve members of the Council, four from each ward in said city; a City Attorney, a Chief of Police, a City Assessor, a City Tax Collector, a City Treasurer, a Clerk of the Council, a Judge of the City Court, and such other officers whose offices have been legally created, or may be legally created by said Council prior to said municipal election to be held in December, 1878; and after the holding of said meeting of the Council, in this section above referred to, the officers of said corporation shall be: A Mayor, who shall also be ex officio City Judge; fifteen members of the Council, three from each ward of the city, as hereinafter directed to be established and designated; a City Attorney, a City Assessor, a Chief of Police, a City Tax Collector, a City Treasurer, a City Surveyor, a City Auditor, who shall also be ex officio Clerk of the Council, and such other officers, elected or appointed, whose offices may be created in pursuance of this Act. The Mayor, members of the City Council, the City Attorney, the City Assessor, the City Tax Collector, the City Treasurer, and all other officers, when so provided by ordinance, shall be elected by the electors of said city, as hereinafter provided. For the purpose of municipal representation in all special municipal elections that may be directed to be had by the present Council, under the charter as existing at the date of the passage of this Act, and until the municipal election to be held in December, 1878, as hereinafter provided, the present division of the city into three wards, as now provided by ordinance or resolution, is hereby established and confirmed. For the purpose of municipal representation at the general municipal election to be held in December, 1878, and at all municipal elections thereafter held, the said city shall be divided into five wards. Said redivision and redistricting shall be made by the present Council by resolution, in writing, in such a manner as may best equalize, as nearly as possible, the population in each ward, and shall be made at or before the last regular meeting of said Council in the month of July, A. D. 1878. Members of the Council—representatives of each ward, and residents of the wards they represent—shall be elected by the qualified electors under this Act, residing in such wards, respectively. All other elective officers, except as herein otherwise provided and authorized, shall be elected by the qualified electors at large residing in said city.

SEC. 2. Should the Council create any office, and make no special provision for filling the same, or should any office, except those of City Assessor, City Tax Collector, Mayor, and members of the Council, become vacant before the expiration of the term of the incumbent elected or appointed to such



office, it shall be the duty of the Mayor, by and with and subject to the consent and confirmation of the Council, unless in case of any office created by ordinance it shall be otherwise provided, to appoint a suitable person to fill the same for such unexpired term; *provided*, that in case a vacancy should occur in the office of any officer herein provided to be elected by the electors of this city, it shall be in the discretion of the Council to order a special municipal election for the election of a successor to hold for such unexpired term; or such election may be postponed, if no necessity for a special election exist until the next regular general municipal election, or until the next regular municipal election.

SEC. 3. The power and authority given to said corporation by this Act is vested in a Mayor and Council, and such other offices as may be created in pursuance of its provisions, and may be exercised by them respectively, as herein provided, or as may be prescribed by any ordinance, by-law, resolution, rule, or regulation, or either, enacted, passed, or adopted in pursuance of the terms of this charter, in the same manner, to the same extent, and with the same authority as if thereunto specially authorized and directed.

Powers  
granted to  
officers.

#### ARTICLE IV.—RIGHTS, POWERS, AND DUTIES OF THE COUNCIL.

SECTION 1. The Council shall have power and is hereby authorized, for and in behalf of said corporation, by resolution in writing, to be entered upon its minutes, to make regulations to prevent the introduction or spreading of any loathsome, contagious, and other diseases into the city; to make regulations and provisions for the removal of persons affected with any contagious or loathsome disease to a suitable hospital, provided and prepared by the city or other party for that purpose; to secure the protection of persons and property within said city, and to provide for the health, cleanliness, ornament, peace, and good order of the city and its inhabitants, or persons residing within its limits; to declare what constitutes a nuisance, and, upon motion, to provide for the prevention, removal, or abatement of any and all nuisances within said city; to provide the city with good and wholesome water, and to that end and for that purpose may exercise, use, enjoy, and carry out, in the name of said corporation, any and all measures requisite and necessary therefor, power to perform which is given said corporation by the provisions of Section 2, of Article II, of this Act; also, to provide for lighting the streets and public buildings belonging to the city with gas, or light from the use of any other material or substance, and to that end and for that purpose may exercise, use, enjoy, and carry out, in the name of said corporation, any and all measures requisite and necessary therefor, power to perform which is given said corporation by the provisions of said Section 2, of Article II, of this Act; also, by resolution in writing, to lay out and open public streets within said city, at such time and in such manner as to it shall seem proper; to vacate, to extend, widen, and improve the same; to lay out and construct,

To provide  
for health  
of city.

To provide  
water.

Streets,  
sewers, etc.

change and alter sewers, drains, zanjias, water ditches, and canals in said city, or without the limits of said city, when required to conduct the sewerage flowing into the sewers to cesspools, or other places of deposit thereof; or, when required, to conduct the water used, or to be used for irrigation, into and upon the lands within the limits of said city, or into reservoirs located within or without such limits; and to those ends and for those purposes, or either, to exercise, use, enjoy, or carry out any and all measures requisite and necessary for said purposes, or either; power to perform which is given said corporation by the provisions of said Section 2, of Article II, of this Act; *provided*, that when the grade of a street has been once established, by resolution or ordinance, hereafter the same shall not be altered, except on payment of any damages that may accrue, by reason of said alterations, to the owner or owners of land abutting on that portion of the street of which portion the grade is so altered. The amount of said damage shall be appraised and determined by a Board of three Commissioners, one to be appointed by the owner or owners of said abutting property, one by resolution of the Council, and the third by the Judge of the County Court; also, upon motion, or otherwise, to provide for and maintain, out of the General Fund of said city, a proper and efficient fire department, and to make and adopt such measures, rules, and regulations for the prevention and extinguishment of fires, and for the preservation of property endangered thereby, as the said Council may think best; also, by resolution, in writing or otherwise, to provide against the existence of all filth, garbage, and other injurious or inconvenient matter, substances, or things within or along the zanjias, water ditches and canals, streets, sidewalks, and crosswalks, private lots, yards, or premises, or either, in said city, and for the removal of such substances and things, or either, therefrom, and may make such rules and regulations, and adopt such measures therefor as to them may seem best; also, to provide for, regulate, restrain, or prohibit the establishment of market houses and places, slaughter houses, and butcher shops, or either, and may make such rules and regulations for the management and control of such places as to it may seem best; also, by resolution in writing, to redistrict and redivide the said city into five (5) wards, in such a manner as to the Council may seem best calculated to equalize, as near as possible, the population to each ward, and may establish, alter, and change the same at pleasure, when, in their opinion, requisite to accomplish such end; also, to make such provisions for the care and custody of all parties sentenced to confinement or imprisonment, as they may see proper, until the erection of a City Jail, to be authorized by law; also, by resolution in writing, to regulate the keeping or storage of gunpowder, and any and all other inflammable or combustible materials within the limits of said city or any portion thereof; also, to establish, allow, fix, prescribe, and regulate the salaries, fees, and compensation of all officers and employes of this corporation, except when otherwise pro-

Damage;  
how appraised.

Fire department.

The city wards.

vided by this Act, or the ordinances, by-laws, or resolutions now in force and not hereafter repealed, or by those passed in pursuance hereof; also, except as herein otherwise provided, to exercise, use, and carry out all the authority vested in said corporation by section two, Article Two, of this Act, and to manage and control said property in such ways as to it may seem best; also, except otherwise restricted, upon motion or otherwise, to appropriate money to pay the debts, liabilities, and expenditures of the city, or any part or item thereof, and from any fund applicable thereto; also, to provide for surveys of the blocks, streets, or lands within the limits of said city, and to declare such surveys official, and compel all persons to conform to the lines of said streets as now are or may be hereafter established; also, to provide for the arrangement and preservation of the records, papers, and archives of said city; and also, to exercise and carry out and execute such other power and authority as is given to said corporation by this Act, either expressly or by implication, and not otherwise specially delegated, and to make, pass, and adopt, for such purposes, such laws, rules, and regulations as shall be necessary therefor.

To make surveys.

SEC. 2. The Council shall, annually, at the regular meeting appointed by this Act, or as soon thereafter as practicable, elect a suitable person, other than a member of the Council, to be the City Auditor, who shall also be ex officio Clerk of the Council. Such Auditor shall perform all the duties required of him by this Act, and by an ordinance, resolution, or order of the Council. He shall be present at each meeting of the Council and keep a record of its proceedings, and shall have the care and custody of all books and papers belonging to the city. He shall, on or before the first day of December in each year, make an estimate, under the supervision of the Mayor, of the revenue of the city for the fiscal year about to commence, and the amount which will belong to each fund, which estimate shall be approved by the Mayor and presented to the Council. He shall number and keep a record of all demands approved by him, showing the number and date of approval, amount, and name of the original holder, on what account, and the fund out of which it is payable. He shall at all times be acquainted with the exact condition of the city treasury, and shall report to the Council at each regular meeting of each week the condition of each fund in the city treasury, and the amount of funds drawn on each fund the preceding week. He shall keep a complete set of books, in which shall be set forth, in plain and business-like manner, every money transaction of the city, so that he can at any time know and report upon the state of each fund, from what source the money was derived, and for what purpose any money was expended; and also all collections made and paid into the treasury by each officer; and he shall also issue all licenses, except as otherwise provided in this Act, and countersign all warrants on the treasury. The said Auditor shall otherwise be under the control of said Council, and may, for good cause shown,

Council to elect Auditor; his duties.

be removed by it at any time, and another person elected by said Council in his stead. The Council shall, upon the call of any member, cause the ayes and nays to be taken upon any question before it, and entered upon the journal. All proceedings and deliberations of the Council shall be public.

Meetings to  
be held after  
election.

SEC. 3. Within seven days, including Sunday and other legal holidays, after the completion of the canvassing, by the Council, of the vote cast at any general municipal election, or any municipal election of the members of the Council, there shall be held meetings of the Council. Such meetings are appointed by this Act, and no notice thereof is necessary. The Council of which the terms of the whole or a part of the members are about to expire, shall meet, approve the records of its session then unapproved, receive communications and reports of committees, and, in its discretion and at its option, act upon all unfinished business then before the Council, and adjourn sine die. Immediately thereafter, the members of the Council elected at the last election, and the members holding over under this Act, shall convene and proceed then, or at any subsequent time, to elect one of its members as a presiding officer, who shall be known as President of the Council, and shall make such further organization as it shall see proper to form, not inconsistent with this Act. After such organization it may, at any time thereafter, proceed with the transaction of the business of the Council, including all unfinished business; *provided*, if from any cause the said meeting referred to in this section be not held on the day hereby appointed, the same may thereafter be called by the Mayor for any other time, as herein provided for special meetings of the Council; the notices in such case to be served, not only upon all members of the Council, but also upon members elect thereof.

Meetings of  
Council.

SEC. 4. The Council shall have power, and is hereby authorized, by resolution, in writing, to be entered upon its minutes, to provide for the time and place of its other regular meetings; but it may, upon motion at any regular, special, or adjourned meeting, adjourn to the next succeeding regular meeting, or to any specified time prior thereto. Special meetings of the Council may be called by the President of the Council at any time, either for the transaction of special or adjourned business, and the notice thereof signed by the President, specifying the object, if special, shall be personally served upon each member of the Council, or shall be served by leaving a copy of the same at his place of business, if served between the hours of 7 o'clock A. M. and 5 o'clock P. M., when such place of business is known, or if not, or if served at any other time, by leaving a copy thereof at his residence or domicile.

Quorum.

SEC. 5. Eight members of the Council shall be a quorum to do business, but any less number may meet and adjourn from time to time, and may compel the attendance of absent members in any manner prescribed by the rules of the Council. The President of the Council shall be entitled to vote upon every question; shall have the power and authority to preserve order, enforce the rules of the Council, and deter-

mine the order of business, subject to the rules of or an appeal to the Council. In the absence of its President, the Council shall have power to appoint one of its members President pro tem., who shall have the rights and powers of said President.

SEC. 6. The Council shall have power to punish any member or other person, by fine not exceeding one hundred dollars, or by imprisonment in the City Jail or other place of confinement not exceeding ten days, for disorderly or improper conduct committed in their presence when in session at any meeting, and may, in addition to the enforcement of the fines and other penalties provided therefor, by a vote of ten members, expel a member for the breach of its rules and regulations, and declare his seat vacant. If any member of the Council shall, without leave of absence, duly granted by motion, be absent from four consecutive regular meetings of said Council, his seat and office shall therefor be and become vacant, and it shall be the duty of the Clerk of said Council forthwith to notify the Council of such vacancy.

Power to punish, etc.

Absent members.

SEC. 7. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter, other than the final passage of an ordinance, or except when otherwise specially provided. The concurrence of ten members of the Council shall be necessary for the final passage of an ordinance appropriating money, and eight for all other ordinances.

A majority.

SEC. 8. The Mayor and Council shall approve, by motion or resolution, all official and other bonds, which by this Act are, or by the ordinances, resolutions, or orders of said Council may be required to be given by any officer, contractor, or other employé of said corporation; and upon all such bonds, when approved by the Council, shall be forthwith indorsed by the Clerk a memorandum, setting forth such approval, with the date thereof, which memorandum shall thereupon be signed by the President of the Council and the Clerk, and the said bond shall be then forthwith filed by the said Clerk of the Council in his office.

Shall approve bonds.

SEC. 9. The Mayor and members of the Council, as also all other city officers, either elected or appointed, according to the provisions of this Act, are hereby prohibited from being directly or indirectly interested in any contract made by said Council, or in any pay for work done under their supervision. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof by any Court of competent jurisdiction, besides the penalty that may be imposed, the Council shall immediately declare the office of such convicted officer vacant, and he shall be forever afterwards disqualified from holding any office under this Act.

Must be disinterested.

SEC. 10. The Mayor and Council are prohibited from entering into any contract for public works or improvements, unless a proviso be inserted in the said contract to the effect that Chinese labor shall not be employed on such works or improvements.

No Chinese labor.

## ARTICLE V.—OTHER OFFICERS—THEIR POWERS AND DUTIES.

The Mayor;  
his duties,  
etc.

SECTION 1. The Mayor is the executive officer of the corporation, and must exercise a careful supervision over its affairs and subordinate officers. It is his duty, annually, at the meeting of the Council, appointed by Section 3, Article IV, of this Act, to communicate by message to the Council a general statement of the condition and affairs of the corporation, in which he shall include the report of the Auditor, provided to be made in Article IV, Section 2, of this Act, and to recommend the adoption of such measures as he may deem expedient and proper, and to make such special communications to the Council from time to time as he shall deem expedient. It is his further duty to be vigilant and active in the enforcement of the ordinances, by-laws, rules, and regulations of the city, to exercise a constant supervision over the acts and conduct of all its officers and employes, to receive and examine into all complaints made against them for violation or neglect of duty, and certify the same to the Council, who shall receive and refer the same to a committee of three of its members, to hear the evidence and report to the Council, as soon as practicable, whether the accused party be guilty or innocent. If the accused party be found guilty, the Council shall prescribe the punishment, which punishment may be suspension for any time less than sixty days, or removal from office or position.

Mayor pro  
tem.; his  
duties.

SEC. 2. If at any time, owing to absence from the city, sickness, or any other cause, the Mayor should be unable to perform the duties of his office, he shall notify the Council thereof at its first meeting thereafter, and in such case the President of the Council shall be and become Mayor pro tem., and shall perform and discharge, in the same manner and with like power and effect, any and all of the duties of the Mayor, excepting his duties as Judge of the City Court, until the meeting of the Council at which the Mayor shall notify of his readiness to resume the discharge of his office.

Duty of City  
Attorney.

SEC. 3. It shall be the duty of the City Attorney to prosecute, in behalf of the people, all criminal cases of or violation of city ordinances and resolutions, pending in the City Court, and in all other Courts upon appeal thereto, and to attend to all suits, matters, and things in which the city may be legally interested; to give his advice or opinion, in writing, whenever required by the Mayor or Council, and to do and perform all such things touching his office, as by the Council may be required of him. The City Attorney shall draft or approve the form of all official or other bonds required by this Act, or by ordinance, resolution, motion, or order of the Council, before the same are submitted to the Council or Mayor for final approval, as hereinbefore provided, and no such bonds shall be approved by the Mayor or Council until the City Attorney shall signify his approval of the form of such bonds.

The Chief  
of Police.

SEC. 4. It shall be the duty of the Chief of Police, during the continuance of such office, in addition to the duties pre-

scribed to him by the ordinances, by-laws, resolutions, rules, and regulations of said city authorities, to execute and return all processes issued by the City Court, or Judge thereof, or directed to him by any legal authority; to attend upon the City Court regularly; to arrest all persons guilty of a breach of the peace, or of any violation of any ordinance or by-law, resolution, rule, or regulation of said municipal authorities, and bring them before the City Court, or other proper Court, for trial. He shall possess a superintending control, subject to the Board of Police Commissioners, over the city police.

SEC. 5. It shall be the duty of the City Assessor, in addition to any duty that may be prescribed for him by ordinance, resolution, by-law, rule, or regulation of the Council of said city, to make out, within such time as may be prescribed by the ordinances of said city, either now in force, or which may hereafter be passed in pursuance hereof, a full, true and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof. After the general municipal election, to be held in December, 1878, it shall also be the duty of the Assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said county sufficient to afford ample security for the collection of said taxes. In all such cases he shall be governed, in fixing the amount of the tax, by the rate of the tax levy for the preceding year. Immediately after fixing the assessment on such property, he shall serve its owner or owners a notice, in writing, which shall specify the assessed valuation of the property, the rate per cent., and the amount of the tax payable, and contain a demand for the payment of said tax within three days after the service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed. Upon the expiration of said three days, after such service, if the tax demanded still remains unpaid, or payment thereof be not secured to the satisfaction of the City Attorney and City Assessor, the Assessor shall forthwith proceed to collect the same by seizure and sale of any personal property owned by the delinquent. The said sale shall be made in accordance with the provisions of Sections 3791, 3792, 3793, 3794, 3795, and 3796, of the Political Code; *provided*, that the newspaper referred to in Section 3792 shall be published in the city, and shall be designated by the Council. When the rate is fixed for the year in which such collection is made, then, if a sum in excess of said rate has been collected, the excess must be repaid, on motion of the Council, to the person from whom the collection was made, or to his assignee. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected. Should the Board of Equalization reduce the valuation, for the same year, of the property so assessed, the sum collected in excess of said reduced valuation must be repaid to the person from whom the collection was made, or to his assignee. And if the valuation of said property should be increased

City Assessor; duties of.

Delinquent taxes.

The excess; how rectified.

by said Board, then the deficiency must be collected as other taxes on personal property are collected. The Assessor shall carefully note upon his assessment list, and also upon a book to be kept by him for the purpose, all collections made by him under this section, and shall turn over to the City Treasurer all moneys received, within ten days after its receipt. In case the said Assessor shall fail to demand and collect any and all taxes, which, by this section, he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent and unpaid taxes, with interest from the date of their assessment. To recover the same the Council is authorized and directed to cause proper action or actions at law to be brought against said Assessor and the sureties on his official bond.

Board of  
Equaliza-  
tion.

SEC. 6. The mode of making out such assessment lists, of ascertaining the value of property, and equalizing the same, shall be such as is now or may hereafter be prescribed by the ordinances of the Council of said city. When such list has been made out, and the same returned to the Council, as prescribed by such ordinances, the Mayor and Council shall, at the time and in the manner prescribed in such ordinance, sit and act as a Board of Equalization, unless herein otherwise provided, and shall have, as regards the equalization of said lists, all the powers conferred by law upon the Board of Supervisors of Los Angeles County as a Board of Equalization of State and county taxes. The meetings of said Board shall be public, and notice of such meetings shall be given by publication, at such time and in such manner as shall be provided by ordinance. The whole of said assessment list shall be publicly read during the session of said Board. The said Board shall have the power, in its discretion, to increase or diminish the amount of any or all of the assessments on said list, both as the real and personal property; *provided*, that before any such assessment shall be increased, due notice shall be given to the owner or owners of the property, the assessed value of which is sought to be increased, and such owner or owners shall have opportunity to be heard before the Board, under oath; such notice to be regulated in all respects by ordinance. After such list has been equalized, it shall be returned to the Council, which shall forthwith fix the levy or rate per cent. of taxes levied for all municipal purposes for that fiscal year. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute, from the date of such levy of the rate of per cent., a lien upon the real property situated in said city, so assessed or owned by the party against whom such assessment is made. Every such assessment, and the lien thereof, shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment is not satisfied nor discharged until all the taxes assessed against the property and the owners are paid, or the property sold for the payment thereof; *provided*, that the provisions of this section reorganizing the Board of Equal-



ization and more clearly defining its duties and powers, shall not take effect until the meeting of the Council to be held after the municipal election in December, 1878, as provided in Section 3, Article IV, of this Act; and until such meeting the Council shall continue to act as such Board in all respects as provided for by law and ordinances at the date of the passage of this Act.

SEC. 7. The said corporation shall have such other rights, claims, privileges, and liens, for the amount of such municipal taxes, as may now or hereafter be given to or exercised by the people of this State for and on account of the assessments of State and county taxes levied in said county. The mode and manner of collecting such municipal taxes and enforcing such tax lien and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of State and county taxes in said county; *provided, however*, that the Council may, by ordinance, have the power to regulate the time or times of the collection of said taxes within each fiscal year, and prescribe by what officers the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates, and conveyances had, made, and executed by them in pursuance thereof shall be of like force, effect, and validity as is or may hereafter be given by law to such proceedings and acts in the matter of the collections of State and county taxes in said county.

Other rights and powers of corporation.

SEC. 8. It shall be the duty of the City Tax Collector, in addition to the duties that may be prescribed for him by any ordinance, resolution, motion, by-law, rule, or regulation of the Council of said city, to receive and collect all taxes, licenses, and revenue of the city, and pay the same over to the Treasurer, as directed by ordinance; to keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be, at all suitable times, subject to public inspection and reference.

City Tax Collector; duties of.

SEC. 9. It shall be the duty of the Treasurer, unless otherwise provided by or in pursuance of this Act, to receive all moneys that shall come to said city, either by taxation or otherwise, and to pay the same out on warrants legally ordered by the Council, drawn and signed by the Auditor, and countersigned by the Mayor, and to do and perform all such other acts as may be prescribed to him by this Act, any city ordinance, or by the Council of said city. He shall, on the first day of January, April, July, and October of each year, and at any other time when required by the Council, make out and present to the Council a full and complete statement of the receipts and expenditures since his last report, which statement the Council shall cause to be published. The Finance Committee, or any special committee of the Council thereto appointed, by themselves, or with the aid of any accountant selected by said committee, shall have the right and power to examine the books of the Treasurer, and to

The powers and duties of Treasurer.

inspect and count all public moneys under his control or on deposit elsewhere.

The City Court; its jurisdiction.

SEC. 10. The City Court of said city, as to all offenses committed within such limits to which the jurisdiction of said city by this Act is declared to extend, whether against the laws of this State or the ordinances, resolutions, rules, and regulations of said city, shall have the same jurisdiction, power, and authority as is now or may hereafter be conferred upon Justices of the Peace, or Justices' Courts in and for said townships whereof said city may form a part or a whole, and in any of such cases shall have the same power and authority to examine and discharge or commit persons brought before it and charged with the commission of any such offenses. The Judge thereof may take recognizance to appear, bonds to keep the peace, and may issue all writs and processes, in like manner, and to the same extent, and with the same power and authority as is now or may hereafter be conferred upon said Justice of the Peace, or upon said Justice's Court in such cases, or either of them.

Further jurisdiction.

SEC. 11. The City Court, except as herein otherwise provided, shall also have jurisdiction over violations of any ordinances, by-law, resolution of any of authorities of said city committed within the limits of said city, and may, according to the provisions of such ordinances, resolution, by-law, rule, or regulation, hold to bail, fine and imprison, or either, any person found guilty of such violation.

City Judge to deputize.

SEC. 12. All prosecutions brought before the said Court, whether for offenses committed against any law of this State, or against any ordinance, resolution, by-law, rule, or regulation of any of the authorities of said city, shall be brought and prosecuted in the name of the people of the State of California. In case of the absence from the city, or the inability to act, of the City Judge, he may select and deputize any one of the Justices of the Peace in said city to act in his place as Judge of said Court, which Justice, during the term of his substitution, shall have the same powers and perform the same duties as the said Judge of said Court. But the said substituted Justice shall receive no pay or compensation from the city for his services. All fines collected in said Court shall be paid by the said Judge into the city treasury, and placed to the credit of the Salary Fund.

Civil business; how disposed of.

SEC. 13. Until the meetings of the Council, required by section three (3), Article IV, of this Act, to be held after the general municipal election in December, 1878, the said City Court shall have the same civil jurisdiction that it possesses by law at the date of the passage of this Act; but after the date of said meeting to be held after the said December election, and after the assumption of the office of Judge of said Court by the Mayor, as hereinbefore provided, the said Court shall have no civil jurisdiction whatsoever. All civil actions and proceedings pending, and all civil business of every kind, nature, and description, in and before the said Court at the date of said meeting, shall be forthwith transferred by the Judge of such Court to such one of the Justice's Courts of this city as the contesting parties may agree upon, and in

case they do not agree, then to such one of said Justices' Courts as the Judge of said City Court may deem proper.

SEC. 14. The Chief of Police shall perform such duties as shall be prescribed to him by ordinance, resolution, or order of the said city authorities. Chief of Police.

ARTICLE VI.—PUBLIC SCHOOLS AND BOARD OF EDUCATION.

SECTION 1. The Board of Education of the City of Los Angeles, as organized and constituted under the laws existing at the date of the passage of this Act, shall continue to have control of the public schools of said city, and be required to make a detailed monthly report to the Council of its receipts, disbursements, and cash on hand, the names and number of schools open and under instruction during the month, and the names of the teachers actually employed in teaching, and the number of scholars attending each class or school. The Board of Education shall, on or before the first day of January, 1879, and each subsequent year, make out an estimate of the money required for the support of the schools for the ensuing year, less the amount to be received from the State and county school apportionment, the same to include all moneys required for increased school facilities, in the shape of new buildings, their furniture, etc. Upon this estimate, if approved by the Council, a school tax shall be levied, in the general tax levy for the year 1879, and each subsequent year; *provided*, that such annual levy for school purposes shall not exceed twenty cents on each one hundred dollars of the value of all real and personal property of the said city assessed for city purposes. Board of Education to make report.

ARTICLE VII.—PUBLIC LIBRARY OF THE CITY OF LOS ANGELES.

SECTION 1. "An Act entitled an Act to provide for the establishment of a public library in the City of Los Angeles," approved March 4, 1874, is hereby repealed; *provided*, that said repealing clause shall not take effect until the date of the meeting of the Council referred to in section three (3), Article IV, of this Act, appointed to be held after the general municipal election in December, 1878. Act repealed.

SEC. 2. On and after the date of said meetings of the Council, the said public library shall be established, controlled, and maintained under the following provisions.

SEC. 3. A free public library and reading-room, to be known and designated as the Los Angeles Public Library, is hereby established in the City of Los Angeles, which shall be free of access to all of the citizens of said city, and the general public, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the Board of Trustees of said library, hereinafter provided for. Library free to all.

SEC. 4. There shall be levied and collected annually, as in other cases, a tax sufficient to maintain such library, not to exceed five cents on each one hundred dollars of the value Report of Secretary, tax levied, etc.

of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library and purchasing or leasing such real or personal property, books, papers, publications, furniture, and fixtures, and erecting such buildings as may be necessary therefor; and it shall be the duty of the Secretary, annually, within thirty days prior to the levy of said tax, and oftener if required by the Council, to make and file with the Council a detailed statement of expenditures of all moneys previously raised by such tax and an estimate of the amount of money necessary to be raised in the next tax levy for library purposes, and shall specify in such estimate the uses to which it is proposed to apply the same; *provided*, that no indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any year.

Ex officio  
Trustees;  
duties of.

SEC. 5. The Mayor and members of the City Council shall be ex officio Trustees, without salaries, of the said library, and of the real and personal property thereto belonging, or at any time acquired by law. Such Trustees shall meet for business purposes on the first Tuesday of each month, and at such other times as they may appoint, at such place as may be agreed upon by them, and nine shall constitute a quorum for business. They may appoint one of their number President, and they may also elect a Secretary, who shall keep a record and full minutes, in writing, of all their proceedings. The Secretary may certify to such proceedings, or any part or portion thereof, under his hand, verified by seal to be adopted and provided by the Trustees for that purpose. Such Trustees, by a majority vote of all their members, to be recorded in the minutes, with the ayes and noes, at length, shall have power:

*First*—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library, reading-room, and property.

*Second*—To appoint and define the powers and duties of any and all authorized officers and assistants, and, for good cause, remove the same.

To define  
officers of  
library.

*Third*—To determine the number of officers and assistants to be appointed for such library and reading-room, and to fix the salaries of such officers and assistants, and of the Secretary; to purchase necessary real and personal property; to order the drawing and payment of money from out of the Library Fund, for any expenditure or liability herein authorized, and generally to do all that may be necessary to fully carry into effect the provisions of this Act.

#### ARTICLE VIII.—PROCEEDINGS TO CONDEMN PROPERTY FOR PUBLIC USE.

Proceedings  
to condemn  
property;  
how insti-  
tuted.

SECTION 1. Whenever it shall become necessary for the said corporation to take private property for any municipal or public use, the Council may, by ordinance, direct proceedings to be taken for the condemnation of such property, and to ascertain the compensation to be paid therefor, and state in the ordinance the lines and how far the assessment shall

extend to pay for damages sustained by said improvements; *and provided*, that if within twenty days from the publication of such ordinance the owners of property fronting along the street or streets embraced within the limits to be assessed, amounting to two-thirds of the said frontage, shall make and file with the Clerk of the Council a written remonstrance against the proposed improvements thereupon, the same shall not be further proceeded with or made. For that purpose a petition in the name of the corporation, signed by its attorney, shall be presented to the County Court of the county in which said city is located, at a regular term thereof, stating the object for which the said property sought to be condemned is required, particularly describing the property and praying for the appointment of Commissioners to ascertain the amount of compensation to be made to the owner and other parties in interest named in the petition for an account of the taking thereof for the proposed public use. If several pieces of property, or parts of several pieces of property, whether owned by the same or different owners, be required for the same object or public use, all, or any part less than all, may be embraced in one proceeding, or separate proceeding may be commenced against each respectively. Whenever any proceeding has been commenced jointly against two or more parties, the said corporation shall have the right at any time to dismiss such proceedings as to any one or more of such parties, and proceed as against the remainder. Notice of the time and place at which such petition will be presented to the County Court, signed by the attorney, shall be given to the owners of such property, and all other parties in interest. Such notice shall state, generally, the object of the proceedings and the property sought to be taken, and may refer for all particulars to the petition, which must be on file in the office of the Clerk of said Court at the time of said notice. If the service upon any party be made within the county, the notice shall be served upon him by delivering to him personally a copy of such notice at least ten days before the time appointed for the presentation of the petition. If the owner or other party be a non-resident of the county, or cannot be found within the county, service may be made upon him by publication of a copy of the notice once a week for two weeks in some newspaper printed and published in the city. The publication shall be completed at least five days before the presentation of the petition to the County Court. The notice shall, in all other respects, be served and returned as may be provided by the laws of the State for the service and return of a summons in civil actions pending in the District Court of said county; *provided*, that in the case of a publication no order of publication shall be required, nor shall it be necessary to file any paper or copies of any papers in the office of the Secretary of State. Proof of service of such notice by publication shall be made by affidavit of the proprietor, publisher, book-keeper, or other person connected with the publication of the paper in which said notice shall be given. But in all cases, whether the parties in interest be known or unknown,

Proceedings  
to condemn  
property;  
how insti-  
tuted.

the publication once a week for two weeks in some newspaper printed and published in the city of a notice correctly describing the property sought to be taken, and the proof of such publication, as aforesaid, shall be sufficient notice to all parties in interest, and sufficient proof thereof. Such notice may be addressed to the parties in interest by name, or to unknown owners, or both. If service be not had upon all the parties, as above provided, before the time appointed for the hearing, the Court may continue the hearing from time to time, not exceeding thirty days, for service upon such parties not served. In all such proceedings a notice of *les pendens* may be filed at the time of filing the petition, or any time thereafter, the same to be filed in like manner and with like effect as in other cases under the laws of this State.

Commissioners appointed; their duties.

SEC. 2. The Court, before hearing the applications, shall have satisfactory evidence that such notice has been given as above provided, to all parties as to whom the proceedings is still pending, and when so satisfied the Court shall, by entry in its minutes, appoint five disinterested persons Commissioners to ascertain the compensation, specifying in the entry the time and place for the first meeting of the Commissioners. The Commissioners shall be residents of the said city, and shall be sworn to discharge their duties faithfully and impartially. They, or a majority of them, shall view the premises and ascertain and report, in writing, to the Court, as soon as practicable, the compensation proper to be paid to the parties interested in each piece of property sought to be taken, and in case a new line of a street would leave a strip of land lying between the old and such new line, then said strip is to be vacated by the city and become a part of the lot of land upon which it abuts, and in case a strip falls between two or more owners, then such a division of the land shall be made so that each owner shall have the same frontage on the new line as he had on the old. If any one or more Commissioners fail to qualify, or thereafter be prevented from acting, the Court may at any time appoint one or more other Commissioners.

Commissioners to report; action of Court thereon.

SEC. 3. If no objections, in writing, have been filed with the Clerk of the Court by the petitioner, or by any of the other parties in interest, within five days after the filing of the report, the Court shall, by an order to be entered in the minutes of the Court, confirm the report of the Commissioners. If such objection to the report of the Commissioners be filed by any party, as above provided, the Court may at any time thereafter proceed to hear and determine the same, and the evidence of the witnesses produced in support of the objections, and in opposition thereto, respectively, and may, if it thinks the report informal, refer the same back to the Commissioners for correction as to form, and may, if it thinks the compensation to be either excessive or inadequate, set aside the report, and refer the matter again to the same or other Commissioners. The second report shall be made, heard, and determined as above provided, and the Court shall have power to set the same aside, and cause another report to be made. When the third report of Commissioners

on the same matter shall have been made to the Court, and the Court shall find said report formal in all respects, the said report shall be final and conclusive as to the amount of compensation therein found, and it shall be the duty of the Court, upon its presentation, to confirm the same. But if the report shall be defective or informal as to its form, the Court shall refer back the same to said Commissioners for correction as to form only, until a formal report shall have been returned to the Court; *provided*, that when a report shall be referred back to a Commission for correction as to form only, the members of said Commission shall not receive any compensation for their services in correcting the form of said report. It shall be the duty of the Court, in referring back reports of Commissioners, to indicate clearly where, in the judgment of the Court, the said reports are informal, defective, unjust, or erroneous. The Court, when satisfied with the report of the Commissioners and the compensation awarded, or upon presentation of the third report, as hereinbefore provided, shall confirm the same, as above provided. In all proceedings referred to in this article, and now pending in the County Court, wherein the report of Commissioners has been made, and no order of condemnation entered, and wherein no objections to the report have been made, or when such objections have been made and disallowed, the said Court shall, at any time within six months after the passage of this Act, upon motion, make and enter its order of confirmation as above provided.

SEC. 4. Whenever any proceeding for the condemnation of property for the opening of new streets, the extending or prolongation of streets, or the widening or straightening of streets in said city, or for any other purposes, when the damages are to be paid by assessment upon the property benefited, is instituted, the report of the Commissioners filed, and the order of condemnation has been made and entered by the Court, and any damage or damages have been awarded to the owners of such property so taken, or to other parties in interest, it shall be the duty of the Clerk of the Council, within thirty days thereafter, to procure from the Clerk of the County Court of said county a certified copy of the report of the Commissioners in such proceedings, and of the order of condemnation made and entered by the Court therein, and submit the same to the Council at any meeting thereof within twenty days from the expiration of the said thirty days. The Council shall apportion the damages awarded in such proceeding amongst the owners of real property liable to be assessed therefor, and having by motion adopted such assessment, shall then order the Clerk of the Council to enter and record in the docket of city liens hereinafter referred to, the said assessment of damages against said owners of the property liable therefor, respectively. Such record shall substantially contain the same entries as is required by Section 9, of Article IX, of this Act, in the assessment of property for grading and other street improvements, and shall be and constitute a lien upon the property assessed therefor. After such entry has been made in the docket of

Clerk to  
procure cer-  
tified copy  
of report.

Clerk to  
record  
damages.

Warrants to  
be issued.

city liens, if the said assessments be not paid by the several parties liable therefor within thirty days, the Clerk of the Council shall issue warrants thereon directed to the City Tax Collector, or other officer performing the duties of City Tax Collector, and commanding him to sell the said property liable therefor. Such warrant shall be executed and returned, and all subsequent proceedings shall be taken in the same manner and with like force and effect as provided by Article IX of this Act for the enforcement of liens upon property, for grading or otherwise improving the streets in said city.

Costs and  
fees; how  
paid

All costs of surveys, maps, Commissioners' fees, costs of Court, and other expenses, except damages allowed to the parties in interest, shall be paid out of the General Fund of the city; *provided*, that all costs and other expenses incurred in opposition to any petition or report, or in any proceedings for the review of any order, shall be paid by the party against whom the decision thereon may be rendered.

Order of con-  
demnation.

SEC. 5. The Court shall, at any time, on proof being made that the respective amounts of damages awarded and confirmed to the parties in interest have been paid to them, or into Court, shall cause an order to be entered in the minutes describing the property, setting forth the ascertainment of compensation, and the payment as aforesaid, and adjudging and decreeing that the said corporation have, hold, and enjoy the said property for public use as prayed for in the petition. Upon the entry of the order of condemnation being made by the Court, the corporation shall be entitled to have, hold, use, and enjoy the property for public use, as decreed in said order, as fully as if the same had been conveyed to it by the owners and other parties in interest, and made parties to such proceedings. A certified copy of the order, as entered, may be recorded in the Recorder's office of the county in like manner and with like effect as if it was a deed of conveyance to the corporation from the parties defendant to such proceedings.

To be  
recorded.

Property not  
taken in  
former  
order.

SEC. 6. If, at any time thereafter, it should be necessary for the full enjoyment of said property by said corporation, to condemn the interest of any person, whether a party to such former proceeding or not, in such property not taken in the former proceeding, proceedings may be had for that purpose in the same manner and with like effect as herein-after provided.

Damages  
and compen-  
sation; by  
whom paid.

SEC. 7. In all proceedings pending at the date of the passage of this Act, for the laying out and opening of any new street, or for the extending and prolonging the line of any street already established, or for the widening or straightening of any street already established, the damages and compensation to be awarded or paid to the owners of property, or other parties in interest, for the taking of said property for said purposes, shall be paid by and all such improvements shall be made at the expense of the property holders along and fronting on or adjoining the said street, or the portion thereof widened, straightened, or prolonged, in all respects as provided in Section 8, Article VI, of the Act, hereby revised.



SEC. 8. In all proceedings after the date of the passage of this Act, for the purpose of laying out and opening any new street, or for the purpose of extending and prolonging the line of, or the widening or straightening of any street already established, the damages and compensation to be awarded or paid to the owners of property, or other parties in interest, for and on account of the taking of the said property for the purposes aforesaid, shall be paid by, and all such improvements shall be made at the expense of, the property holders along and fronting on and adjacent to the proposed new street, or the street to be extended, prolonged, widened, or straightened, as follows: It shall be the duty of the Council, by resolution in writing, to designate certain limits on the route of the street laid out, extended, straightened, or widened, which limits shall include that part of the said street which the Council shall determine to be the immediate vicinity of improvement, and which resolution shall also state the line and how far the assessment shall extend. They shall fix and assess the rate per foot frontage which the owners of land on each side of that portion of the street included in said limits shall pay for the benefit accruing to said lands by reason of said improvement. And if the sum total of the assessment so made shall not be sufficient to pay the sum total of the damages and compensation awarded, and the expense of making said improvement, then the Council shall assess the amount of the deficiency upon other property abutting on the said street, as follows: They shall divide the remainder of said street, or so much thereof as may be necessary, on both sides of said limits of immediate vicinity of improvement, into sections of five hundred feet each, and the land fronting on said sections shall be assessed so far as shall be necessary to cover said deficiency, in the following ratio: The two sections immediately adjoining the said limits of immediate vicinity of improvement on either end thereof shall be assessed at the same ratio per foot frontage as shall have been fixed for that portion of the street included in said limits of immediate vicinity; the two sections, second in point of distance, on either side, from said limits of immediate vicinity, shall be assessed at the rate per foot frontage 25 per cent. less than the rate fixed for the immediate vicinity of improvement; the two sections, third in point of distance on either side from said designated limits, shall be assessed at a rate per foot frontage of fifty (50) per cent. less than that fixed for the said immediate vicinity; the two sections, fourth in point of distance on either side from said designated limits, shall be assessed at a rate per foot frontage seventy-five (75) per cent. less than the rate fixed for the immediate vicinity, and in case there should be any further sections included in said limits to be assessed, then the Council shall assess such further sections at a rate per foot frontage not more than seventy-five (75) per cent. less than the rate fixed for the immediate vicinity, and in such less sum as it may deem proper. The Council shall have full discretion in fixing the rate of assessment per foot frontage on the land contained within the said limits of

Council to fix and assess damages and compensation.

Deficiency,  
how as-  
sessed.

immediate vicinity; *provided*, that the sum total of the assessments laid thereon, and also on the said first, second, third, fourth, and further sections if necessary, or on so many as shall be sufficient to pay the total amount of the damages and compensation awarded, and the expense of making said improvement; *and provided further*, that whenever the deficiency existing is less than the sum which would be realized by assessing the said respective sections at the rates hereinbefore provided, then the Council shall assess the said deficiency equally and proportionately on each and every foot frontage contained in the section liable to be first assessed for said deficiency. In case any street crosses the line of or forms a junction with any street so laid out, extended, or improved, at a point within the limits of sections hereinbefore described, the land on the corners formed by said intersection or junction shall be assessed, in addition to the assessment hereinbefore provided for, and at the same rate, for as many feet of frontage as shall be contained between the said respective corners and the center line of the street crossing, in forming a junction with the street so laid out, extended, or improved. Whenever the limits of any of the sections of five hundred (500) feet, hereinbefore directed to be designated and defined, shall fall within the boundaries of any such cross street or street forming a junction with the street laid out, extended, and improved, then it shall be the duty of the Council to so increase or diminish the length of said section that its said limit shall fall on and be fixed by the center line of said cross or joining street.

Council to  
apportion  
assessments  
and make  
rules for  
their col-  
lection.

SEC. 9. Whenever any lands or other property are purchased by said city, without the institution of proceedings for the condemnation thereof, for any of the purposes enumerated in Section 8 of this Article, the Council shall, as soon as the amount of the purchase money for such property has been ascertained, apportion the amount of such damages amongst the owners of property liable to be assessed therefor as herein provided. Such assessment shall be recorded and collected in the same manner as provided in Section 4 of this Article. The Council shall have power, and is hereby authorized, by resolution in writing, to make such provisions, rules, regulations, as to them may seem best, for the levying and collecting of such assessments, and to conform such mode, manner, and means more closely and more fully to the provisions of Article IX of this Act.

County  
Clerk to  
issue cer-  
tificate of  
award.

SEC. 10. Whenever, in any proceedings for the laying out, extension, or improvement of any street, commenced after the passage of this Act, damages and compensation shall have been awarded to the owner of property taken for the purposes of said improvement, and the order of confirmation of the County Court has been duly made and entered therein, as provided in Section 3 of this Article, if thereafter the said Council shall assess property belonging to the same owner to pay said damages and compensation, and the expenses of said improvement, any owner of property which has been so assessed, and to whom damages and compensation have been so awarded, may procure from the County

Clerk a certificate of such award; and the said County Clerk is hereby authorized and directed, upon application, to issue such certificate. The person so obtaining such certificate shall receipt to the County Clerk for the same. All such certificates shall be received by the Tax Collector of the city, or other officer whose duty it is to receive and collect such assessment, in payment, or part payment, as the case may be, of the assessments levied for the same improvement upon land belonging to the person in whose favor any such certificate has been issued. Upon such presentation and delivery of such certificate, the Tax Collector shall receipt to the holder thereof on account of the said assessment, and shall enter the amount so receipted for by him to the credit of the presenter thereof, in the proper book. Should the amount of any such certificate of award be greater than the amount of the assessments laid on property belonging to the presenter thereof, then the sum in excess shall be paid to said holder and presenter, in the same manner as if the whole amount of said award was due him. And if the amount of any such certificate should be less than the amount of such assessments, then the deficiency in the amount of such assessments shall be paid by and collected from the owner of the property so assessed, in the same manner as if the whole amount of such assessments was unpaid and uncollected. In each and every case the Tax Collector, on receipt of such certificates of award, shall indorse upon the same, respectively, the amount of credit allowed by him to the presenter thereof, and the balance due the city or the said presenter, as the case may be. The Tax Collector shall keep and file all such certificates received by him, and enter the same fully in a book to be kept by him for that purpose. Such certificates of award shall not be assignable or transferable, and shall be void and of no effect in the hands of any other person than the person to whom issued, or if used, or attempted to be used, for any other purpose than the payment of assessments, as hereinbefore provided; *provided*, that if the person to whom such certificate is originally issued shall sell the land so assessed as above set forth, before the presentation of the said certificate to the Tax Collector, then the said certificate may be assigned to the purchaser of the said land and be presented by him to the Tax Collector, with the same force and effect as if presented by the original holder thereof before the sale of said land.

To be received in payment of assessments.

Certificates not transferable.

Applies only to streets

SEC. 11. The provisions of this Article are only intended to apply to the condemnation of property for the opening, widening, extending, or prolongation of streets within said city. The condemnation of private property for any other municipal purposes shall be made under the provisions of the general laws of this State.

#### ARTICLE IX.—OF STREETS, THEIR GRADES AND IMPROVEMENTS.

SECTION 1. The Council shall have power and is authorized, whenever it deems it expedient, by resolution in writing, to establish or alter the grade, and to improve any

Council to establish or alter grades.

street or part thereof, now or hereafter laid out or established within the corporate limits of the city, and to make such improvements in such manner as it may think best, subject to the conditions and restrictions contained in Section 1, Article 4, of this Act. The power and authority to improve a street includes the power and authority to improve the sidewalks and pavements, and to determine and provide for everything convenient and necessary concerning such improvements.

Notice to be given.

SEC. 2. No grade or improvement mentioned in Section 1 can be undertaken or made without ten days' notice thereof being first given, by publication in some daily newspaper published in the city, or by posting, as may be prescribed by the order or resolution of the Council.

What to specify.

SEC. 3. Such notice must be given by the Clerk of the Council, by order of the Council, and must specify, at least in general terms, the street or part thereof proposed to be improved, or of which the grade thereof is proposed to be established or altered, and the kind of improvement which is proposed to be made.

Remonstrances may be made.

SEC. 4. Within ten days from the publication of such notice the owner of property fronting on such street, or part thereof, as the case may be, amounting to two-thirds of the frontage on such street, or part thereof, may make and file with the Clerk of the Council a written remonstrance against the proposed improvement, grade, or alteration thereof, and thereupon the same shall not be further proceeded in or made; but no protest shall be binding upon the Council for any longer period than three months from the presentation thereof; *and provided*, that the Council may proceed sooner if the property holders, owning real estate amounting to at least one-half of the frontage of property liable to be assessed for the improvement, shall petition the Council for such improvement, in writing; *provided, however*, when a notice has been given to establish a grade in the hill lands, when it is intended to cut down or fill in the street crossing, the property owners having two-thirds of the frontage of the four blocks adjoining said crossing, to the center or middle of said blocks, may make and file with the Clerk of the Council a written remonstrance against the proposed cutting down or filling in of said crossing, and thereupon the same shall not then be further proceeded with, except as otherwise provided in this Act by process of condemnation.

When improvements to be made.

SEC. 5. If no remonstrance be so made and filed, the Council, at its earliest convenience thereafter, and within six months from the final publication of such notice, may establish the proposed grade, or alteration thereof, or commence to make the proposed improvements, by passage of necessary resolution, as herein provided; *but provided further*, that whenever the owners of two-thirds of the property fronting on any street shall petition the Council to establish or alter the grade, or to improve any street, the Council shall at once proceed to establish or alter the grade or make such improvement.

Property owners may petition

SEC. 6. When the resolution of the Council ordering any work to be done has been adopted, the Council shall thereafter, without unnecessary delay, proceed to advertise, for such time and in such manner as it shall see fit, for proposals to do said work and for the awarding of such contract as it shall deem best and not inconsistent with this Act. The Council shall have the right to reject any or all bids, and may re-advertise for other proposals. It may let the work in such sections or parcels as it may deem best.

Council to advertise for proposals, etc.

SEC. 7. In case the notice be for the improvement of a street or part thereof, the Council may, as soon as practicable after awarding the contract, through the Surveyor or other officer and employes, proceed to assess upon each lot or part thereof, fronting thereon and liable therefor, its proportionate share of such cost. No defect in the name of any owner shall affect the validity of any assessment upon any lot or part thereof, and if the name of any owner be unknown the lot or part thereof may be assessed to unknown owners.

Defect in name not to invalidate assessment.

SEC. 8. When the cost of improvement has been ascertained and determined, and the proportionate share thereof on each lot or part thereof has been assessed to the satisfaction of the Council, as provided in Section 7, the Council must, by motion, declare the same and direct its Clerk to enter a statement thereof in the docket of city liens, as provided in the next section.

Statement to be entered in docket of liens.

SEC. 9. The docket of city liens is a book in which must be entered, in pursuance of this Act, the following matters in relation to assessments made in pursuance of this Act. There must be entered therein:

Docket of liens; what to contain.

*First*—The number or letter of the lot assessed, and the number or letter of the block in which it is situated, or any other valid description of the property, and if a separate assessment is made upon a part of a lot, a particular description of the part.

*Second*—The name of the owner thereof, or that the owner is unknown.

*Third*—The sum assessed upon such lot or part thereof, and the date of the entry.

SEC. 10. The docket of the city liens is a public writing, and imparts notice to all the world of the matters and things therein recorded; and the original or certified copies of any matter authorized to be entered therein are entitled to the force and effect thereof, and from the date of an entry therein of an assessment upon a lot or part thereof of a sum so entered, is to be deemed a tax levied and a lien thereon, which lien shall have priority over all other liens or incumbrances thereon whatever.

Docket of liens defined.

SEC. 11. If, within fifteen days from the entry of the assessment in the docket of the city liens, the sum assessed upon any lot or part thereof is not wholly paid to the city treasury, and a duplicate receipt thereof filed with the Clerk of the Council, the Clerk shall issue a warrant directed to the City Tax Collector, or other person authorized to collect taxes due the city.

Clerk to issue warrant.

SEC. 12. Such warrant must require the person to whom

Requisition of warrant.

it is directed to forthwith levy upon the lot or part thereof upon which the assessment is unpaid, and sell the same in the manner provided by law, and to return the proceeds of such sale, less his fees, if any be allowed by the Council therefor, to the City Treasurer, and the warrant to the said Clerk, with his doings indorsed thereon, together with the receipt of the City Treasurer for the proceeds of such sale, as paid to him; and if at such sale a sufficient sum be not bid to cover the assessment and costs, the city shall become the purchaser.

Effect of  
warrant.

SEC. 13. Such warrant shall have the force and effect of an execution against real property, and shall be executed in like manner, except as in this Article otherwise specially provided. If, from any cause, any warrant be not executed within the time allowed by law, the Council may order the issuance of an alias warrant, and as many thereof as may be necessary to enforce the collection of such assessment.

Deed for  
property  
given.

SEC. 14. The person executing such warrants shall immediately make a deed for the property sold to the purchaser, stating therein that the same is made subject to redemption, as provided in this Article. Within one year from the date of such sale, the owner, or any person in interest, may redeem the same, or any part thereof, upon the terms and conditions provided in the next section.

Property;  
how re-  
deemed.

SEC. 15. Redemption of the whole property is made by the payment of the purchase money, and, in addition, ten per cent., if paid within three (3) months; twenty per cent., if paid within six (6) months; thirty per cent., if paid within nine (9) months, and forty per cent., if paid within twelve (12) months, and the amount of any tax or incumbrance which the purchaser may have paid upon the property. Redemption of a part is made by the payment of that proportion of the purchase money which the part redeemed bears in value to the property sold for the assessment.

Effect of re-  
demption.

SEC. 16. A redemption discharges the property from the effects of sale for the assessment. If made by the owner, or his successor in interest, the estate in the property is thereby restored to such owner, or successor in interest, as the case may be; but if made by a lien creditor, the amount paid for the redemption is thereafter to be deemed a part of his judgment, decree, or mortgage, as the case may be, and shall bear like interest, and may be enforced and collected as part thereof.

Suit, how  
maintained.

SEC. 17. Whenever a purchaser, or those claiming under him, refuse to convey to a person entitled to redeem, such person may enforce a conveyance thereof by a suit in equity, as for a specific contract to convey real property, and such suit may be maintained against absent parties, without proof of the tender of the money, and offer to redeem if the plaintiff bring such money into Court and offer there to redeem.

Lots liable  
for costs.

SEC. 18. Each lot, or part thereof, fronting upon any street or part thereof, ordered to be improved, shall be liable for the proportion of the costs for making such improvements which the frontage of such lot or part bears to the total frontage of the street or part thereof, along which such improvement is ordered; *provided*, that the Council shall

allow a credit at the contract price, as awarded by the Council, upon any assessment for any improvement of a street in front of any real estate, or for any grading done at any time before the adoption of such assessment by the Council; *and provided further*, that no such credit shall exceed the amount of the proposed assessment against such real estate, for and on account of which such credit is claimed.

SEC. 19. The cost of providing crosswalks and of improving all intersections of streets, and of the space included between the center line of the street to be improved, and the prolongation of the side lines of any street forming a junction with such street to be improved to such center line, shall be paid out of the General Fund of the city, and shall not be included in such assessments. The cost of the surveys, maps, and of establishing grades shall be paid out of the General Fund. Whenever any street or part thereof has been graded or otherwise improved at the expense of the owners of the real estate fronting thereon, and the same has been accepted by the Council, and the same shall require any repairs to be made thereon at any time, the Council shall order such repairs to be made. Any material required in such repairs to be only of the same nature and kind as previously used, and pay the same out of the General Fund.

Cost of improvement;  
how paid.

SEC. 20. A sale of real property, under the provisions of this Article, conveys to the purchasers, subject to redemption, as herein provided, all the estate or interest therein of the owners, whether known or unknown.

Estate conveyed, etc.

SEC. 21. When an assessment upon any lot or part thereof for any improvement done, or ordered to be done upon any street, for the payment of which assessment such property is chargeable, becomes delinquent, any person having a lien thereon by judgment, decree, or mortgage, or otherwise, may, at any time before the sale of such lot or part thereof pay the same, and the Council shall, upon such payment being made, order the Mayor, in the name of the corporation, to make and execute and deliver to the party making such payment, and to his assigns, an assignment and transfer of said claim of the corporation therefor, and upon such transfer being made, the amount of such delinquent assessment and all costs thereon, together with the cost of making such assignment, shall thereafter be deemed a part of such lien, creditors' judgment, decree, mortgage, or other charge and incumbrance, and shall bear like interest, and may be enforced and collected as a part thereof.

Interest;  
how collected.

SEC. 22. If at any time it is found that the sum assessed upon any lot or part thereof, for any improvement, is insufficient, the Council must ascertain the deficit and declare the same. When so declared, the Clerk must enter the sum of the deficit in the docket of the city liens, in a column reserved for that purpose in the original entry, with the date thereof, and such deficit shall thereafter be a lien upon such lot or part thereof in like manner and with like effect as in the case of the sum originally assessed, and shall also be pay-

Deficit a lien  
on lots.

able and may be collected in like manner and with like effect as in the case of such sum so assessed.

Surplus;  
how dis-  
posed of.

SEC. 23. If, upon the completion of any improvement, it is found that the sum assessed therefor upon any lot or part thereof is more than sufficient to defray the cost thereof, and the fees and other expenses allowed by the Council for collection, the Council must ascertain and declare the surplus in like manner as in the case of a deficit. When so declared, it must be entered, as in the case of a deficit, in the docket of city liens, and thereafter the person who paid such surplus, or his legal representative, is entitled to payment of the same by warrant on the city treasury.

Separate  
fund.

SEC. 24. All money paid or collected upon assessments for the improvements of streets shall be kept as a separate fund, and in nowise used for any other purpose whatever.

Proceedings  
without no-  
tice; when.

SEC. 25. The proceedings authorized by this Article for the establishment or alteration of a grade, or the improvement of a street, or a part thereof, may be taken and had without giving the notice prescribed in section two (2), whenever the owner or owners of two-thirds of the property liable to be assessed shall, in writing, petition the Council therefor.

Tax to  
construct  
sewers, etc.

SEC. 26. The Council shall have power, and is hereby authorized, to lay down all necessary sewers and drains, and keep the same in repair, and for that purpose shall have power to levy and collect, annually, as other city taxes are levied and collected, a tax not exceeding fifteen cents on each one hundred dollars of the taxable property in the city, to constitute a Sewer Fund, to be used for that purpose only, and shall, except as hereinafter provided, cause the same to be assessed on the property fronting on either side along which such sewer or drain is to be laid. The mode and manner of apportioning the estimated cost of improvements of streets, prescribed in Section 18, Article IX, of this Act, shall apply to the construction of such sewers or drains; *provided*, that no credit mentioned in said Section 18 shall be made in any assessment for construction of sewers, excepting where property owner has already paid for and connected with another sewer or sewers, or where a party cannot beneficially connect the sewerage of such property with such sewer, such property shall be exempted from such assessment. When it shall become necessary to construct a main sewer, or main branch sewer, the Council shall, by resolution or ordinance, order the same to be constructed or made, and shall, in the construction of such sewer, order that a part of the cost of such sewer, not to exceed one (\$1 00) dollar per front foot, shall be paid by the owner of the property on either side of the street along which such main, or branch main, sewer shall be laid, so far as in the discretion of the Council the said property or property owners are benefited by such sewer, and shall order the remainder of the cost of constructing such sewer, together with all street crossings and parts of streets where parties have been exempted on account of not being able to connect beneficially with such sewers, or on account of having previously paid for and connected with



any other sewer, to be paid out of the Sewer Fund herein provided for.

SEC. 27. Whenever any lot or part thereof, sold under the provisions of this Act, shall bring more than the assessment thereon, with interest, and costs, and charges of collection, the surplus must be paid to the City Treasurer, and the person executing the warrant must take a separate receipt for such surplus, and file it with the Clerk of the Council. On the return of the warrant, at any time thereafter, the owner, or his legal representative, is entitled to a warrant upon the Treasurer for such surplus; *provided*, that whenever any lot or part thereof, sold under the provisions of this Act, shall bring less than the assessment thereon, the Council shall supply the deficiency out of the General or Cash Fund; *and provided further*, that if, at the sale of any land for assessments under this Act, no bid whatever can be obtained on said land, the Mayor, Tax Collector, Assessor, or Treasurer, shall have the right to bid the said land in the name of the city, and the city shall own and hold said land so bid in, in the same manner as if it had been purchased by any private person.

SEC. 28. The deed to the purchasers must express the true consideration thereof, which is the amount paid by the purchaser, and the return of the person executing the warrant must specify the amount for which each lot, or part thereof, was sold, and the name of the purchaser.

# ARTICLE X.—ELECTIONS.

SECTION 1. Elections to be held in said city, for the purpose of electing the officers of said city, are of three kinds:

*First*—General municipal elections.

*Second*—Municipal elections.

*Third*—Special elections.

SEC. 2. General municipal elections shall be held in said city on the first Monday in December, 1878, and on the first Monday in December every two years thereafter. There shall be elected at the first general municipal election all of the elective officers of said city, including fifteen members of the Council, three from each of the five wards in said city.

SEC. 3. All of the present officers of said city shall continue to hold their several offices, except as herein otherwise provided, until the meetings of the Council required by Section 3, Article IX., of this Act, to be held after the general municipal election in December, 1878. All officers elected at the first general municipal election shall hold office for the term of two years, or until their successors shall have been elected and qualified; *provided*, at the first session of the Council elected in December, 1878, under this charter, the members for the respective wards shall draw lots for the long and short terms, as follows: The odd numbered wards to draw for one member in each to serve two years, and two members in each to serve one year; the even numbered wards to draw lots for two members in each to serve for two years and one in each ward to serve for one year. In Decem-

ber, 1879, there shall be eight Councilmen elected for the term of two years, as follows: Two members from the First Ward, one from the Second Ward, two from the Third Ward, one from the Fourth Ward, and two from the Fifth Ward. In December, 1880, there shall be elected seven Councilmen, as follows: One from the First Ward, two from the Second Ward, one from the Third Ward, two from the Fourth Ward, and one from the Fifth Ward; so that in the odd years thereafter there shall be elected eight Councilmen, two each from the odd numbered wards and one each from the even numbered wards, and in the even years seven Councilmen shall be elected, one each from the odd numbered wards and two each from the even numbered wards.

Successors in  
office; how  
chosen

SEC. 4. At every other succeeding general municipal election, there shall be elected all of the elective officers of said city, but including only such members of the Council whose terms of office are about to expire. All new members of the Council shall be elected from and represent, respectively, the several wards respectively represented by members whom they succeed.

Municipal  
elections  
defined.

SEC. 5. Municipal elections are those held for the purpose of electing members of the Council, and any or all of such other officers named in this section. The first election of this class shall be had on the first Monday of December, 1879, and on the first Monday in December every two years thereafter. When vacancies exist in any elective office under the provisions of this Act, the Council shall order the election of a successor for the unexpired term, and such election shall also be held at the same time.

Special elec-  
tions; their  
purpose.

SEC. 6. Special elections are those which may be held for the sole purpose of electing an Assessor, City Tax Collector, or other officer performing the duties of City Tax Collector, or any other elective officer, where there exists a vacancy in any of such offices before the regular expiration of the term of such offices, and the election, in the opinion of the Council, should not be postponed until the next regular municipal or general municipal election. If any special election be ordered, held, and conducted, except as to the date thereof, and the result thereof made known and declared in the same manner as herein provided for for other elections.

Council to  
order all  
elections.

SEC. 7. The Council of said city shall, by a resolution to be entered upon its minutes, order the holding of all elections of city officers, and all other elections which may at any other time be authorized by law to be held, exclusively affecting the interests of said city. Such order shall specify the object of, the time of, and a place within the limits of each ward for the holding of such election, and the names of the Inspector and Judges for each ward, who must be residents thereof, to conduct the holding of such election. Such order, certified by the Clerk of the Council to be a full, true, and correct copy of the original resolution adopted by the Council, shall be published in some newspaper printed and published in said city, for at least ten days prior to the time appointed for the holding of the elections.

SEC. 8. Returns of such elections shall be made to the

Council, who shall within ten days thereafter, either at a regular or special meeting, canvass and declare the result thereof, and order certificates of election to be issued by the Clerk of the Council to the person elected.

Council to  
canvass  
returns

SEC. 9. All elections shall in all other respects be conducted and held in accordance with the provisions of the laws of this State, as the same may be at the time provided for the holding of general elections in this State, and to that end and for that purpose, in so far as the same may be applicable and not in conflict with the provisions of this charter, the same, with the proper substitutions and corresponding changes, is hereby made applicable.

In other respects how  
conducted.

SEC. 10. All officers elected at any election, or appointed by the Council to fill any vacancy, shall, within five days after the date of the issuance of the certificate of their election by the Clerk, qualify by taking the oath of office before some officer authorized to administer oaths, and shall file the same with the Clerk of the Council.

Officers shall  
qualify.

SEC. 11. Any office shall be declared vacant upon the death or resignation of the incumbent, and whenever any officer elected or appointed shall be absent from the city without permission of the Council for the period of thirty consecutive days; and in case of Councilmen, whenever any incumbent thereof shall remove from the ward which he represents, the Council shall declare such office vacant, and shall proceed to fill the same by election or appointment, as herein prescribed; *provided*, that a change of the boundaries of any ward shall not be deemed to change the residence of any Councilman so as to cause a vacancy in office.

Offices  
declared  
vacant.

SEC. 12. The Council shall have power to receive and canvass the returns of all elections authorized by this Act, and shall be the judge, otherwise than is herein set forth, of the qualifications, elections, and returns of its own members, and other officers elected under this Act.

Council to  
be judge  
of returns.

SEC. 13. No person shall be eligible to any municipal office who, at the time of this election, is not a qualified elector under the laws of this State; and to be eligible to the office of Councilman, in addition to the above qualifications, such person must be a resident of the ward from which he is elected or appointed for at least twelve months next preceding such election or appointment; *provided*, that in case of a redistricting or redivision of the city into wards be made, whereby the lines or boundaries of any ward are changed, the last provision in regard to residence shall not apply to persons elected at the first election thereafter, or persons appointed as Councilmen before such election.

Qualifications  
for  
office.

SEC. 14. The qualifications of elector, at any election held in said city in pursuance of this Act, shall be the same as those prescribed by the laws of this State for electors at any general State election in force at the time of such election, and in addition to each elector must have resided in the ward in which he offers his vote for at least thirty days next prior to such elections.

Electors.

ARTICLE XI.—OF SALARIES OF OFFICERS AND THEIR OFFICIAL BONDS.

Council to regulate salaries.

SECTION 1. Until the officers and members of the Council to be elected at the general municipal election in December, 1878, shall enter upon the duties of their respective offices, the salaries and official bonds, respectively, paid to or required of any and all officers of said city, shall be governed, regulated, and controlled, in all manners and respects, by the provisions of this Act, hereby revised, and by the ordinances, resolutions, by-laws, or orders of the Council relating to said salaries and bonds passed or made or hereafter to be passed or made in accordance with the provisions of said Act hereby revised.

Salaries of officers.

SEC. 2. The salaries and compensation of all officers who shall be elected at said general municipal elections in December, 1878, or who shall thereafter be appointed by the Council under the provisions of this Act, are fixed as follows:

(1.) The Mayor shall receive one hundred and fifty dollars per month, in full compensation for all services of every kind whatever rendered by him.

(2.) The City Attorney shall receive one hundred and fifty dollars per month, in full payment of all services pertaining to his office. He shall, if he deems it necessary, have the right to appoint an assistant, but no salary shall be paid by the city to such assistant, unless the appointment be made by the consent of the Council, in which case the Council shall fix the compensation.

(3.) The City Surveyor shall receive such compensation as the Council may determine.

(4.) The City Treasurer shall receive one hundred dollars per month.

(5.) The City Tax Collector shall receive such fees and commissions as the Council may, from time to time, determine.

(6.) The City Assessor shall receive one thousand dollars annually, in full compensation for his services in making all assessments, and making the proper lists thereof; *provided*, that the Council may, by resolution in writing, allow him such further compensation as it may deem just for any services rendered by him in the collection of taxes on personal property, as provided for in Section 6, Article V, of this Act, but not to exceed four per cent. on the amount collected.

(7.) The salaries and compensation of the Auditor and Chief of Police, and all other officers elected or appointed, whose salaries are not hereby fixed, shall be fixed by the Council, by resolution in writing; *provided*, that the salaries so fixed shall not be increased nor decreased during their term of office.

Bonds executed.

SEC. 3. In addition to taking the oath required by Section 10, Article X, of this Act, the following named officers of said city shall respectively execute to the said municipal corporation, bonds in the following sums respectively, conditioned for the faithful discharge by them of the duties of their respective offices, viz.: The official bond required from the

Mayor is fixed at \$10,000 00; from the City Attorney, at \$5,000 00; from the City Surveyor, at \$10,000 00, conditional for the faithful and correct performance of the duties of his office; from the City Treasurer, in such sums as the Council may, from time to time, determine; from the Auditor, at \$10,000 00; from the Chief of Police, at \$5,000 00; from the Tax Collector, at \$25,000 00; from the Assessor, at \$25,000 00.

SEC. 4. Each such official bond shall also be executed by two or more sureties, who shall be residents of the City of Los Angeles and owners of real estate therein, who shall be approved as hereinafter set forth, and who shall bind themselves respectively in sums not less than \$2,000 00 each. The aggregate amount of the sums which the sureties on any one of such bonds shall respectively bind themselves to pay shall be at least double the sum in which the principal on such bond binds himself. No such surety shall be held liable on such bond for a larger sum of money than that which he especially binds himself to pay, together with such costs of action as may be allowed by the Court on the recovery of judgment against him on such bond; *and provided*, that no person shall become surety on more than one official bond of any of the officers of said corporation. Section 963 of the Political Code shall apply to the official bonds given under the requirements of this Act. All sureties on any bond given under the provisions of this Act shall justify in double the amounts for which they bind themselves on the respective bonds. The bond of the Mayor shall be presented to the Council at its first regular meeting after his taking the oath, and after approval shall be filed with and remain in the official keeping of the Clerk of the Council. The bonds of all officers shall be approved by the Mayor and Council, as hereinbefore provided, and after approval shall be filed with and remain in the keeping of the Clerk of the Council; *provided*, that the bond of the Auditor shall be filed with and remain in the keeping of the Mayor of said city.

Sureties;  
their qualifi-  
cations and  
requirements.

Bonds; how  
approved.

SEC. 5. Should any person elected or appointed to any office fail to qualify and give bonds as herein required, the Council shall, at the first or any other meeting thereafter, by resolution, to be entered upon the minutes, declare such office vacant, which vacancy shall be filled by appointment of the Mayor, by and with the consent of the Council, or by special election as hereinafter provided.

Failing to  
qualify.

## ARTICLE XII.—MISCELLANEOUS PROVISIONS.

SECTION 1. The City of Los Angeles shall not be and is not bound by any contract or in any way liable thereon, unless the same is made in writing by order of the Council, the draft thereof be approved by the Council, and the same ordered to be and be signed the Mayor, or some other person in behalf of the city, but the Mayor and Council, by an ordinance, or the Council, by a resolution or motion, may authorize any officer, committee, or agent of the city to bind the city, without a contract in writing, for the payment of any sum of money not exceeding three hundred dollars; *pro-*

Contracts.

*vided*, that no contract binding the city shall be valid unless it be completely executed, fulfilled, and performed within the period of two years after the date of the execution and delivery thereof.

Corporation  
not liable for  
injury.

SEC. 2. The said corporation shall not be liable to any one, or for any loss or injury to person or property growing out of or caused by the malfeasance, misfeasance, or neglect of duty of any officer or other authorities of said city, or for any injury or damage happening to such person or property on account of the condition of any zanja, sewer, cesspool, street, sidewalk, or public ground therein; but this does not exonerate any officer of said city, or any other person from such liability when such casualty or accident is caused by the willful neglect of duty enforced upon such officer or person by law, or by the gross negligence or willful misconduct of such officer or person in any other respect.

Debt not to  
exceed.

SEC. 3. The indebtedness of said city must not exceed in the aggregate the sum of \$500,000, and any debt or liability incurred in violation of this section, except as herein-after provided, whether by borrowing money, loaning the credit of the city, or otherwise, is null and void and of no effect.

Proceed-  
ings; how  
presumed.

SEC. 4. In any action, suit, or proceeding, in any Court, concerning an assessment of property or levy of taxes authorized by this Act, or the collection of any such, or proceeding consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regular and duly done or taken until the contrary is shown; and when any proceeding, matter, or thing, is by this Act committed, or left to the discretion of the Mayor and Council, or the Council or other authorities of said city, such discretion or judgment, when expressed or declared, is final and cannot be reviewed or called in question elsewhere.

Style of  
warrant.

SEC. 5. In making a deed for real property sold for a delinquent assessment for any improvement, it is not necessary to set forth or recite the proceedings prior to the sale, but it is sufficient if it substantially appear from such deed that the property was sold by virtue of a warrant of said city, and the date thereof, that it was for a delinquent assessment, and the amount thereof, together with the date of the sale and the amount bid thereat by the purchaser. The style of the warrant for the collection of assessments shall be, "In the name of the people of the State of California."

Petitioners  
to fill in  
streets.

SEC. 6. When the grade in any street has been established by the Council, and a petition in writing, signed by property owner or owners of two-thirds of the feet fronting on that portion of the street, the grade of which has been so established, praying permission to cut down or fill up such street in front of such property, at their own expense, has been presented to the Council, the Council shall authorize such property owners to so cut down or fill up such portion of said street in front of said property, according to said grade, at the expense and cost of such owners.

SEC. 7. The authority mentioned in section six cannot be

given after an assessment has been made for the improvement of the street in front of such property; and in giving such authority the Council may impose such terms and conditions as may be necessary to secure the deposit of excavations upon any part of such street as may require to be filled up.

SEC. 8. Real property, when sold for or to satisfy a delinquent assessment or tax, must be sold for United States coin, and not otherwise; and any one applying or seeking to redeem property so sold, as in this Act provided, must pay or offer to pay the sum necessary therefor in such coin, and not otherwise.

SEC. 9. All real property within the limits of the city, not laid off in blocks or lots at the time of making an assessment authorized by this Act, except as herein otherwise provided, must be assessed at its cash value per acre, or fraction thereof, as the case may be.

SEC. 10. Whenever any lot or part thereof is sold for a delinquent assessment for a street improvement, and afterwards be sold for a deficit in such assessment, as in this Act provided, to any person other than the purchaser at the first sale, or his successor in interest, such purchaser or successor, for the purpose of making redemption from the purchaser at such resale, is to be deemed an owner within the meaning of this Act.

SEC. 11. Every ordinance and resolution which shall have been passed by the Council shall, before it becomes effective, be signed by the Clerk of the Council, and be presented to the Mayor for his approval and signature, if he approves it; if not, he shall indorse thereon the date of the presentation to him, and shall return it to the Clerk of the Council with his objections in writing. The Clerk of the Council shall indorse thereon the date of its return to him, and shall, at the first meeting of the Council thereafter, present the same, with the objections of the Mayor, to that body; thereupon the Council shall proceed to reconsider the passage of the ordinance. If, after such reconsideration, four-fifths of the members at that time actually constituting the Council, including absentees, agree to pass it, the same shall become an ordinance. In all such cases the vote shall be by ayes and noes, and the names of the members voting for or against shall be entered upon the journal.

SEC. 12. If any ordinance or resolution shall not be returned to the Clerk of the Council by the Mayor, with his objections in writing, within fifteen days (Sundays and other legal holidays excepted) after it shall have been presented to him, it shall become effective and be as valid as if the Mayor had approved and signed it.

SEC. 13. The style of every ordinance shall substantially be: The Mayor and Council of the City of Los Angeles do ordain as follows.

SEC. 14. The style of every resolution, in writing, of the Council shall substantially be as follows: "Be it resolved by the Mayor and Council of the City of Los Angeles."

SEC. 15. The Mayor of the said city shall, and Clerk of

the Council shall, respectively, be authorized to administer oaths in the same manner and with like effect as other officers authorized by the law of the State to administer oaths.

Bonds insufficient.

SEC. 16. If the bonds of any officer should at any time become insufficient, the Council may require him to give additional security, and in case of his failure to do so within fifteen days may declare his office vacant, and it shall be the duty of the Mayor at once to take into his charge all books and papers, money, and other public property at the time in the hands or under the control of such officer so removed, and retain the same until the election or appointment and qualification of a successor. For the better enforcement of this section, the Mayor is authorized, at the cost of the city, to commence and prosecute, in his own name, all appropriate remedies therefor.

Claims; how allowed.

SEC. 17. All claims and demands against the said corporation shall, in accordance with such rules and regulations as the Council may prescribe, be presented to the Council, and shall be by them referred to a Committee on Finance, a special committee, or other appropriate committee, as may be determined by the Council, who shall examine, audit, allow, or reject the same, in whole or in part, subject to the approval of the Council. Such committee shall report to the Council as soon as practicable. The Council shall thereupon proceed to consider the report of the committee and the claims or demands presented, and shall, if the same be just and legal, order the same to be paid, and shall require the Auditor to draw a warrant upon the City Treasurer in favor of the holder of such claim or demand for the amount allowed, and payable out of the appropriate fund. Such warrant shall be signed by the Mayor and countersigned by the Auditor.

Suit, when brought.

SEC. 18. No suit shall be brought upon any claim for money or damages against said corporation until such claim or demand has been presented, as aforesaid, and rejected by the Council, in whole or in part. If rejected in part, suit may be brought to recover the whole; nor shall suit be brought against said corporation upon any such claim or demand if the Council shall allow the whole of such claim or demand, and shall order the same to be paid as hereinbefore required; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any claim or demand of his right to resort to a writ of mandate, or other proceeding, against the said Council, or any officer of said city, to compel them or him to act upon said claim or demand, to draw or sign such warrants, or to pay the same when so drawn.

Number necessary to pass ordinance.

SEC. 19. Ten members of the Council shall be necessary to pass any ordinance or resolution, or to perform any other act whereby any debt is created and money is appropriated, or the revenue of the city is in any way diminished. Upon the passage of any such ordinance, or resolution, or motion, the ayes and noes shall be called, and the names of the members voting for and against such ordinance, resolution, or



motion shall be entered upon the journal of the proceedings of the Council.

SEC. 20. In all prosecutions for violation of any city ordinance, rule, or other regulation of said authorities, whether in the Court of original jurisdiction or in any appellate Court, it shall be unnecessary to plead the contents of the same, but the Court before which the prosecution shall be pending shall take judicial notice of such ordinance, resolution, rule, or other regulation, and of the contents thereof, and in any civil action or proceeding to which the said corporation is a party, either as plaintiff or defendant, the adoption and contents of any ordinance, resolution, by-law, rule, or regulation may be prima facie proven by the introduction of the original entry thereof on the journal of the proceeding of the Council, a copy of such entry, certified by the Clerk of the Council to be a full, true, and correct copy of such original entry, or by the introduction of a printed copy thereof.

SEC. 21. It shall be the duty of the Clerk of the Council, upon the first Tuesday in May of each year, or as soon thereafter as practicable, to cause notice to be given by public advertisement for one week, in some daily newspaper published in the City of Los Angeles, that sealed proposals will be received from any bank of deposit in the City of Los Angeles, as to the terms and conditions upon which they will receive and disburse the public moneys of said city; such proposals shall be received up to the time to be specified in the notice. The proposals to be made shall specify the rate of interest per month that will be allowed upon such deposits of public moneys. Such sealed proposals shall be publicly opened by the Clerk in the presence of the Council, at its first meeting after the expiration of the time for receiving proposals. The bank offering the highest rate of interest shall be appointed the depository of public moneys. The Council shall thereupon cause a contract, in writing, to be drawn, and providing for the proper payment of all warrants drawn upon the City Treasurer, so long as there is sufficient money in the fund upon which such warrant is drawn, and sufficient money to the credit of said city on deposit in said bank to pay the same, and providing also for the full accounting for all moneys so deposited, and the repayment of the balance on deposit at the end of the term for which said contract shall be made to the City Treasurer, or other person authorized by the Council to demand and receive the same. The Council shall have the power to require such other provisions to be inserted in such contract as it shall deem best for the interest of said city. The contract, when approved by the Council, shall be signed in behalf of the city, as hereinbefore provided by section one of this Article. Such depository, thus selected, shall give a bond, with two or more sureties, in the sum of one hundred thousand dollars, or such further sum as the Council may require, conditioned for the faithful keeping and proper disbursement of all such moneys; said bond to be approved by the Mayor and Council. Upon approval of such bond and the signing of such contract, the

Violation  
of city  
ordinance.

Sealed pro-  
posals; the  
Clerk to ad-  
vertise for.

Contract to  
be drawn.

City Treasurer, penalty for refusal

Council shall direct the City Treasurer to deposit each day, when such bank is open for transaction of business, with the bank thus selected, all public moneys of said city by him collected or received. For each such deposit, the Treasurer shall take the receipt of the bank, and from and after the deposit of such money in said bank the Treasurer and his bondsmen shall no longer be liable therefor. Should the City Treasurer refuse or neglect, at any time, to comply with the orders of the Council, as to the deposit of such moneys, he shall be liable upon his official bond, in an action brought thereon, by and in the manner of said corporation, for the full amount of the interest which the corporation should have received upon such moneys, during such time as he shall retain the possession or control of such moneys, or he may be proceeded against by said corporation in its own name, by mandate brought against him under the laws of this State, applicable thereto, to compel such deposits to be made.

City property: how kept.

SEC. 22. The official books and papers of all officers of said corporation are city property, and must be kept as such by said officers during their continuance in office, and then delivered to their successors, respectively, or to the Council. Such books and papers may at any time be inspected by the Mayor, or by a committee of the Council appointed for that purpose, or as herein provided. If the city provide a public building, the office of the City Treasurer must be kept therein.

Misdemeanor defined, and punishment.

SEC. 23. Unless otherwise provided in this Act, the Mayor and Council, or either, when authorized by this Act to adopt any ordinance or resolution, or make any rules or regulations, such municipal authority so empowered shall have the further power, and is hereby authorized to provide that each and every violation of such ordinance, resolution, rules, or regulation shall be and constitute a misdemeanor, and may prescribe as a punishment therefor, to be imposed upon any person found guilty thereof, a fine not exceeding \$500, a term of imprisonment not exceeding six months, or both such fine and imprisonment.

SEC. 24. In addition to what may be especially required by other provisions of this Act to be published, the following proceeding and acts of said municipal authorities shall be published in English, by at least one insertion in some newspaper printed and published in said city, or by posting, for at least ten days, in three public places in said city, before such proceeding or act shall be of any validity or binding force and effect, to wit:

*First*—All ordinances adopted in accordance with the provisions of this Act.

*Second*—All resolutions of the Council required by this Act to be in writing.

Board of Police Commissioners.

SEC. 25. The Mayor, President of the Council, and Chief of Police, shall be and constitute a Board of Police Commissioners. The Board shall have power to appoint as many regular and special policemen as may be necessary to regulate the same, and to dismiss from the police force, at any

time, any member thereof. For the proper regulation of such police force, the Board shall have the power to make such rules and regulations as may be proper. Only a majority of such Board shall be necessary to determine any question. The compensation of all policemen shall be prescribed by the Council.

SEC. 26. It shall be the duty of the Mayor, City Attorney, City Treasurer, City Assessor, City Tax Collector, Chief of Police, Auditor, and Health Officer, to present to the Council, at its second meeting in November of each year, a report, which shall show as follows:

*First*—The Mayor shall, in addition to his report as Mayor, inform the Council of the condition of the City Court, the number of arrests made, the offenses charged, and how disposed of; the penalties inflicted, and amount of fines, and from whom collected. Officers to present report.

*Second*—The City Attorney shall, in his report, present an abstract of all actions and proceedings in the Supreme, District, and County Courts, where the city is an interested party, and shall show what cases have been disposed of during the year, and in what manner, and condition of those remaining on the calendar. Additional report of Mayor.

*Third*—The City Treasurer shall show in his report, specifically, the amount of all indebtedness of the city, of moneys received by him during the year, the date of the receipt thereof, and from whom, the amount paid out, when and to whom, and the date and number of the warrants on which the respective amounts are paid. City Attorney to report cases.

*Fourth*—The City Tax Collector shall report the amount of money received, and on what account, and he shall present a detailed statement of all money received from licenses, with dates, amounts, and from whom received, and also the amount of licenses remaining uncollected, with the names of the delinquents. Nature of Treasurer's report.

*Fifth*—The City Assessor shall, in his report, show the amount of personal taxes collected by him, together with the amount of any fees and compensation which he may have received on account of such collection in each case, and show the condition of the office during the year. Report of Tax Collector.

*Sixth*—The City Auditor shall make a proper statement of the transactions of his office. Assessor's report.

*Seventh*—The Chief of Police shall report the number of arrests made by him, the offenses charged and how disposed of, the number and names of policemen employed, when appointed and when discharged. Report of arrests.

*Eighth*—The Health Officer shall show the condition of the health of the city during the year, and the number of cases of disease which he has treated. Report of Health Officer.

The several reports to be referred to a special committee of the Council, who shall be appointed by the members thereof, who shall examine the same, and if found correct, shall so report. After said report shall have been made, it shall be the duty of the Council to order the same to be printed and bound; copies thereof to be deposited in the archives, and

such number as the Council may direct be retained for general distribution.

Former  
Acts not  
impaired.

SEC. 27. All Acts of the Legislature relating to the City of Los Angeles, and all city ordinances, resolutions and other regulations now in force and not inconsistent herewith, shall be and remain in full force, after this Act takes effect, until changed or repealed by the proper authority, and all rights vested under any former Act or regulation, when this takes effect, shall not thereby be lost, impaired, or discharged, and all actions and proceedings commenced in any Court, wherein the City of Los Angeles is a party, shall be continued under the law existing when said action or proceeding was commenced. Nothing herein contained shall in any way change, alter, or impair the Act of the Legislature authorizing the issuance of bonds, etc., by the City of Los Angeles, to pay for the widening and extending of Los Angeles streets.

Acts  
repealed.

SEC. 28. All Acts of the Legislature, in so far as the same are inconsistent with the provisions of this Act, but no further, shall be and the same are hereby repealed.

SEC. 29. This revisory Act shall take effect immediately.

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CHAP. CCCCXLI.—*An Act to close an unused street in San Francisco.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Street  
closed.

SECTION 1. The street projected and delineated on the map of the City and County of San Francisco, through the middle of Block No. 74, Western Addition, bounded by Van Ness Avenue, Grove, Franklin, and Hayes Streets, and on said map designated as Ivy Avenue, never having been opened or used through said block, is hereby closed and vacated, so far as it purports to extend through the same.

SEC. 2. This Act shall take effect immediately.

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CHAP. CCCCXLII.—*An Act granting additional powers to the Mayor and Common Council of the City of San José.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Appropriation.

SECTION 1. The Mayor and Common Council of the City of San José are hereby authorized and empowered to appropriate, out of the General Fund, a sum not exceeding one

hundred and fifty dollars per month, for a period of nine months from the passage of this Act, to the San José Public Library Association.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCXLIII.—*An Act to amend an Act entitled "An Act to incorporate the City of San Luis Obispo," approved March twentieth, eighteen hundred and seventy-six.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three of an Act to incorporate the City of San Luis Obispo, approved March twentieth, eighteen hundred and seventy-six, is hereby amended so as to read as follows: Section 3. The Common Council of said city shall consist of five members, who, with the Mayor, Assessor, Marshal, Tax Collector, and Police Judge, shall be chosen annually, at an election to be held in said city on the second Wednesday of February of each year, and shall hold office for one year, and until their successors are elected and qualified. The Mayor is the President of the Council, and has the casting vote in case of a tie. Neither the Mayor nor Councilmen may receive any compensation for their services. All elective city officers must be chosen at large by the electors of the city. If any vacancy shall occur in an elective office (Mayor excepted) the same shall be filled by an appointee of the Mayor, with the advice and consent of the Council.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCXLIV.—*An Act to regulate fees of office in certain counties.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Fees of Justices of the Peace in the several counties hereinafter named shall be as follows: For entering every cause upon his docket, fifty cents; for filing each paper in the suit, twenty-five cents; for issuing any writ or process by which the suit is commenced, fifty cents; for issuing subpoena, for each person, twenty-five cents; for administering an oath or affirmation, twenty-five cents; for each certificate, twenty-five cents; for issuing writ of attach-

Justices'  
fees.

ment, or arrest, or for the delivery of property, one dollar; for taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents; for taking justification to a bond, fifty cents; for swearing a jury, fifty cents; for issuing an execution, one dollar; for taking depositions, per folio, twenty cents; for issuing search warrant, fifty cents; for affidavit for search warrant, including entry on his docket when there is no other or further action, one dollar; for entry of cause without process, one dollar; for entering every motion, rule, order, exception, or default, twenty-five cents; for entering any final judgment, for the first folio, one dollar, for every additional folio, twenty cents; for entering judgment by confession and only on affidavit as required in the District Court, three dollars; for entering satisfaction of a judgment, fifty cents; for issuing commission to take testimony, fifty cents; for transcript of a judgment, order, docket, or paper in his office, for each folio, twenty cents; for making up and transmitting transcript and papers on appeal, one dollar and fifty cents; for taking acknowledgment of any instrument, for the first name, fifty cents, and for every additional name, twenty-five cents; for celebrating a marriage and returning certificate thereof to the County Recorder, five dollars; for all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars; but there shall be allowed for all depositions required by law to be taken (including the transmission to the County Clerk of the papers in the case), for each folio, twenty cents; for taking bail after commitment in criminal cases, one dollar; for all services connected with the posting of estrays, including transcript to the Recorder, two dollars. For all services appertaining to the Coroner's office, the Justice of the Peace who shall act when the Coroner shall be absent or unable to attend, shall receive the same fees as are allowed to the Coroner for similar services. When the venue shall be changed, the Justice before whom the action shall have been brought, for all services in making up and transmitting the transcript and papers, shall receive, in addition to such fees as have accrued in the case, the sum of one dollar; all of which fees must be paid before the Justice shall be required to transmit the papers; and the Justice before whom the case is transferred shall be entitled to receive the fees accruing to him for all services which he shall thereafter render, the same as if the case had originally been commenced before him. In cases of appeal, all fees of the Justice, including those on trial and those on appeal, must be paid before the Justice shall be required to forward the papers to the County Clerk. This Act shall apply only to the Counties of Butte and Lassen.

CHAP. CCCCXLV.—*An Act to prevent sheep and goats from being herded or running at large in certain portions of Lake County.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall not be lawful for any person or persons owning or having charge of any sheep or goats to herd the same, or permit them to be herded, or to drive them, or to permit them to be driven, for purposes of pasturage, on the lands or possessory claims of other than the lands or possessory claims of the owner or owners of such sheep or goats, within that portion of Lake County lying north and west of the following lines, "to wit": Commencing at a point on the county line between the Counties of Colusa and Lake, where the Bartlett Springs and Bear Valley Toll-road crosses the same, running in a westerly direction to what is known as Goodin's Point, on the western shore of Clear Lake; thence southerly along the lake shore to Mount Uncle Sam; thence southerly to the Jamison Ranch, including the said Jamison Ranch and Coyote Valley, to the Napa County line.

Sheep and goats herded; buttnaries, etc.

SEC. 2. The owner or owners of any sheep or goats violating section one of this Act, in person or by agent, may be sued in any Court of competent jurisdiction, by the party or parties injured, for any damage which he or they, as the case may be, may have sustained by reason of such violation of said section.

Penalty.

SEC. 3. Any person or persons recovering damages under the provisions of this Act may have judgment entered for three times the amount at which the actual damages are assessed.

Treble damages.

SEC. 4. This Act shall not apply to bands of sheep of a less number than fifty, nor to bands of goats of a less number than twenty.

Act; where applicable.

SEC. 5. All Acts and parts of Acts as conflict with this Act are hereby repealed.

Repealed.

SEC. 6. This Act shall be in force on and after the fifteenth day May next.

CHAP. CCCCXLVI.—*An Act to provide for reorganizing and better regulating the paid fire department of the City and County of San Francisco.*

[Approved March 28, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION. 1. There shall be a Board of Fire Commissioners of the City and County of San Francisco, consisting of five persons of good character and standing, three of whom shall

Board described; officers of, etc.

be appointed by the Board of Supervisors of the City and County of San Francisco, one by the Judge of the Municipal Criminal Court of said city and county, and one by the Judge of the County Court of said county; *provided*, that no appointment shall be made until the expiration of the term of office of the several members of the present Board of Fire Commissioners, except to fill vacancies. The Board of Supervisors, the Judge of the Municipal Criminal Court, and the Judge of the County Court, hereinbefore mentioned, shall each appoint one Commissioner to fill the vacancies occurring on the first Monday in December, A. D. eighteen hundred and seventy-nine, which Commissioners shall serve for the term of four years; and thereafter the vacancies occurring, by expiration of term of office, in December, A. D. eighteen hundred and eighty-one, shall be filled by appointment of two Commissioners by the Board of Supervisors of said city and county to serve for the term of four years, and thereafter the appointment of Commissioners shall be in the manner hereinbefore mentioned. They shall be citizens of the United States, and who shall have been residents of said city and county for at least two years previous to their appointment as such Commissioners; and the persons so appointed shall, before entering upon their duties as such Commissioners, give a bond each in the sum of five thousand dollars, to be approved and filed in the same manner as the bonds of other city and county officers, and they shall hold their office for the term of four years from and after the date of their appointment, and until their successors are appointed and qualified. And in the event of any one or more of said Commissioners neglecting or refusing to perform the duties of their office, or in the event of a vacancy or vacancies occurring in said Board of Fire Commissioners from any cause other than the expiration of their term of office, the Board of Supervisors shall appoint some suitable person or persons to fill such vacancy or vacancies; *provided*, that if any vacancy shall occur by resignation, or otherwise, of any Commissioner appointed, as provided in this Act, such vacancy shall be filled by the same power which made the original appointment, and the person or persons so appointed to fill such vacancy or vacancies shall be appointed to fill the same for the unexpired term; and *provided further*, that all appointments by the Board of Supervisors of said city and county, under this Act, shall be made in open session, by viva voce vote, entered in the journals of said Board, and no appointments made otherwise shall be valid. No member of said Board of Fire Commissioners shall be eligible to any elective office during his incumbency of the office of Fire Commissioner.

Vacancies:  
how filled.

Officers;  
salaries.

SEC. 2. The officers of the fire department of said city and county shall be: The Fire Commissioners, to be appointed as aforesaid, without salary; one Chief Engineer, whose salary shall be two hundred and fifty dollars per month; one Assistant Chief Engineer, at a salary of two hundred dollars per month, and four Assistant Engineers,



whose salaries shall be one hundred and fifty dollars per month each. All salaries shall be paid monthly.

SEC. 3. The members and employés of said fire department shall be: One Superintendent of Steam Fire Engines, at a salary of one hundred and fifty dollars per month; one Assistant Superintendent of Steam Fire Engines, at a salary of one hundred and forty dollars per month; one Clerk and Storekeeper for the Corporation Yard, at a salary of one hundred and twenty-five dollars per month; one Corporation Yard Drayman, at a salary of ninety dollars per month; one Night Watchman for the Corporation Yard, at a salary of seventy-five dollars per month; two Hydrantmen, at a salary of ninety dollars per month each; a Veterinary Surgeon, at a salary of sixty dollars per month; a Foreman of each company, at a salary of forty-five dollars per month; one Engineer for each steam fire engine, at a salary of one hundred and forty dollars per month; one substitute Engineer and Machinist, at a salary of one hundred and forty dollars per month; one Driver for each company, at a salary of ninety dollars per month; one Fireman for each steam engine company, at a salary of ninety dollars per month; one Carpenter, at a salary of one hundred dollars per month; one Tillerman for each hook and ladder company, at a salary of ninety dollars per month; one Steward for each hose company, at a salary of eighty dollars per month; each Hoseman and each Hook and Ladderman shall receive a salary of thirty-five dollars per month; and one Janitor and Messenger, at a salary of seventy-five dollars per month; one Clerk, at a salary of one hundred and fifty dollars per month.

Employés;  
salaries.

SEC. 4. All paid members of said fire department, except the Veterinary Surgeon, Foreman, Assistant Foreman, Company Clerks, Hosemen, Hook and Laddermen, and Stewards of volunteer companies, shall give their undivided attention to their respective duties; but the Foreman, Assistant Foreman, Company Clerks, Hosemen, Hook and Laddermen, and Stewards of volunteer companies, shall perform such duties as may be prescribed, from time to time, by said Board of Fire Commissioners, and ordered to be executed by the Chief Engineer.

Duties; how  
performed.

SEC. 5. The Chief Engineer, the Assistant Chief Engineer, the Assistant Engineers, the Clerk, and all members and employés of the fire department shall be appointed by the Fire Commissioners, and retain their positions during good behavior. No officer, member, or employé of said fire department shall be removed for political reasons.

Employés;  
by whom  
appointed.

SEC. 6. The fire department of the City and County of San Francisco shall consist of such engine, hook and ladder, and hose companies, as shall be recommended by the Board of Fire Commissioners, and be determined by the Board of Supervisors of said city and county, with the approval of the Mayor, to be necessary to afford protection against fire; *provided*, that, as auxiliary thereto, patent fire extinguishers may also be purchased and employed if, in the judgment of said Board, deemed advisable; *provided*, that no hand engine

Fire department to  
consist of.

shall hereafter be purchased for the use of said department, but those now in possession of said city and county may be used in such localities and under such regulations as the Board of Fire Commissioners, with the approval of the Board of Supervisors, may prescribe. The companies of said department shall be organized as follows: Each steam fire engine company shall consist of one Foreman, one Engineer, one Driver, one Fireman, and eight Hosemen, one of whom shall act as Assistant Foreman, and one as Clerk. Each hook and ladder company shall consist of one Foreman, one Driver, one Tillerman, and twelve Hook and Laddermen, one of whom shall act as Assistant Foreman, and one as Clerk. Each hose company shall consist of one Foreman, one Driver, one Steward, and six Hosemen, one of whom shall act as Assistant Foreman, and one as Clerk.

Supervisors  
to provide  
certain  
things.

SEC. 7. The Board of Supervisors of said city and county shall have power to contract and provide for all cisterns, hydrants, apparatus, supplies, engine, hose, and hook and ladder houses, and all alterations and repairs required, and said Board of Fire Commissioners shall supervise all contracts awarded and work done for the said fire department, and shall see that all contracts awarded and work done are faithfully performed. They shall have power to prescribe the duties of the officers, members, and employes of said fire department, and to adopt rules and regulations for the management and discipline thereof; and a majority of them shall certify to the correctness of all claims and demands before the same shall be paid. And said Board of Supervisors are authorized and required to provide and furnish, for the use of said Board of Fire Commissioners, a suitable room or rooms, in some of the public buildings of said city and county, to serve as an office for their meetings and the transaction of business relating to said fire department, in which their Clerk, Janitor, and Messenger shall be in attendance, daily, during office hours. The Chief, Assistant Chief Engineer, and Assistant Engineers of said department shall also make it their headquarters, daily, during office hours, when not otherwise engaged in official duties. And said Board of Supervisors shall furnish the Chief Engineer, and also the Assistant Chief Engineer, with a horse and buggy, and shall provide for the keeping of the same.

Commission-  
ers to con-  
trol fire  
department.

SEC. 8. Said Board of Fire Commissioners shall supervise and control said fire department, its officers, members, and employes, subject to the laws governing the same, and shall see that the officers, members, and employes thereof faithfully discharge their duties, and that the laws, orders, and regulations relating thereto are carried into operation and effect. They shall not, nor shall either of them, or the Chief, or Assistant Chief Engineer, or Assistant Engineers, of said fire department, be interested in any contract pertaining in any manner to said department, or in the sale, furnishing of apparatus, or supplies for the same; and all contracts in violation of this section are declared void, and any of said persons violating the provisions of this section shall be

deemed guilty of a misdemeanor, and upon conviction may be punished accordingly.

SEC. 9. The Chief Engineer shall be the executive officer of said fire department, and it shall be his duty (and that of the Assistant Chief Engineer, and Assistant Engineers) to see that the laws, orders, rules, and regulations concerning the same are carried into effect; and also to attend to such duties as Fire Wardens as may be required, and to see that all laws, orders, and regulations, established in said city and county to secure protection against fire, are enforced. It shall also be his duty to enforce the rules and regulations, made from time to time, to secure discipline in said fire department; and he shall have power to suspend any subordinate officer, member, or employé, for a violation of the same, and shall forthwith report, in writing, with his reasons therefor, to the Board of Fire Commissioners for their action. He shall diligently observe the condition of the apparatus and working of said department, and shall report in writing, at least once in each week, to the said Board of Fire Commissioners, upon the same, and make such recommendations and suggestions respecting it, and for securing its greater efficiency, as he may deem proper: and in the absence or inability of the Chief Engineer to act, the Assistant Chief Engineer shall assume the duties of said office of Chief Engineer.

SEC. 10. The person elected as Clerk by said Board of Fire Commissioners shall, before entering upon the discharge of his duties, execute a bond, with two or more sureties, in the penal sum of twelve thousand dollars, for the faithful discharge of his duties, which shall be approved by said Board of Fire Commissioners and the Mayor of said city and county, and when so approved shall be filed in the office of the Auditor. The amount of said bond may be increased from time to time, when directed by the Board of Supervisors, should they deem it necessary for the public good. Said Clerk shall attend daily, during office hours, at the office of the Board of Fire Commissioners (which shall be the office of the Chief, Assistant Chief Engineer, and Assistant Engineers), shall perform the duties of Clerk to said Board and Chief Engineer, and perform such other duties as from time to time said Board may prescribe. The Clerk and Storekeeper for the Corporation Yard shall, before entering upon his duties, furnish a bond, in the sum of ten thousand dollars, in the same manner and form as above provided in regard to the Clerk of the Board of Fire Commissioners.

SEC. 11. The Mayor of said city and county, upon the recommendation of the Board of Fire Commissioners, is hereby authorized to sell, at private or public sale, from time to time, with the approval of the Board of Supervisors, any or all of the engines, hose carriages, engine houses, lots on which such houses stand, or parts of lots (or to exchange any of said lots when, in their judgment, demanded by the public good), or other property which shall not be required

for the use of the department, and to execute, acknowledge, and deliver good and sufficient deeds or bills of sale for the same, paying the proceeds of such sales into the county treasury, to the credit of the Fire Department Fund.

Supervisors  
to order paid  
salaries and  
money.

SEC. 12. The Board of Supervisors of said city and county are hereby authorized to appropriate, allow, and order paid, annually, out of the General Fund of said city and county, the salaries hereinbefore specified and allowed, and salaries at similar rates to the several officers and men of any additional companies created as aforesaid. And the Board of Supervisors are required to appropriate, allow, and order paid, out of the General Fund, the sum of fifteen thousand dollars (for the year eighteen hundred and seventy-eight only), ten thousand dollars of said sum to be used in the erection of two new engine houses (said houses not to exceed the sum of five thousand dollars each), and the remaining five thousand dollars to be applied to repairs of the engine houses now in use by the said department.

Members  
disabled to  
receive  
money

SEC. 13. Whenever any member of the paid fire department of the City and County of San Francisco shall become disabled by reason of injuries received at any fire, so as to be unable to perform his duties, the Board of Supervisors, upon the recommendation of the Board of Fire Commissioners of said city and county, are hereby authorized and empowered to allow said disabled man a sum not exceeding fifty dollars per month, not to exceed three months, payable out of the General Fund of said city and county, in the same manner and form as other payments are made out of said fund.

Chief  
Engineer to  
appoint  
officers

SEC. 14. The Chief Engineer shall have power to appoint one member of each company to act as Assistant Foreman, also one member to act as Clerk to each company, said Clerk to receive five dollars per month extra pay.

Board, how  
organized;  
meetings.

SEC. 15. The Fire Commissioners shall organize said Board on the first Monday in December of each and every year, by selecting one of their number as President, and they shall meet at least once in each month, publicly, at their office, to transact the business of said fire department, and, in addition to the stated meeting, they shall meet twice in each month for the purpose of investigating charges against officers, members, and employes of said department, for violating any of the rules and regulations thereof. No person shall be eligible to any position in said department who is not a citizen of the United States, nor a resident of said city and county for at least two years, nor under twenty-one years of age at the time of his appointment.

Powers of  
President.

SEC. 16. In all investigations for violations of the rules and regulations of the fire department, the President of the Board of Fire Commissioners shall have power to issue subpoenas and administer oaths, and compel the attendance of witnesses before him, by attachment or otherwise. All subpoenas issued by him shall be in such form as he may prescribe, and shall be served by any police officer, or by any peace officer of said city and county. Any witness who refuses to attend or testify in obedience to such subpoena

shall be deemed guilty of contempt, and be punishable by him as in cases of contempt in Justices' Courts in civil cases.

SEC. 17. No officer, member, or employé of the fire department shall be dismissed except for cause, nor until after a trial. The accused shall be furnished with a written copy of the charges against him, at least five days previous to the day of trial; and he shall have an opportunity to examine witnesses in his behalf, and all witnesses shall be examined under oath, and all trials shall be public. Trials of members.

SEC. 18. The Board of Supervisors of said city and county is hereby authorized and empowered to establish and maintain, at the Corporation Yard, a workshop for making repairs and improvements upon the apparatus of the fire department; such workshop and such repairs and improvements to be under the supervision of the Board of Fire Commissioners, and said Board of Supervisors shall allow and order paid, out of the Fire Department Fund, all the expenses of such workshop, repairs, and improvements; *provided*, that the Board of Supervisors shall have power to limit the expenditures under this section to such an amount as they in their discretion think necessary. Supervisors to build workshop.

SEC. 19. No person belonging to the fire department of said city and county shall hold more than one position in said department, nor any other position under the municipal government of San Francisco, or Federal Government, to which there is a salary attached, except that the Clerk of engine, hose, and hook and ladder companies shall have five dollars per month extra for acting as Clerk, as hereinbefore provided. Persons to hold one position only.

SEC. 20. All Acts and parts of Acts in conflict with the provisions of this Act, relating to a paid fire department in the City and County of San Francisco, are hereby repealed. Repealed

SEC. 21. No member of said Board of Fire Commissioners shall, during his term of office, be a member of any party convention, the purpose of which is to nominate candidates for political office. Nor shall the officers, members, or employés of said fire department take any part whatever in any partisan convention held for the purposes of a political party, nor shall any member of the said Board of Fire Commissioners, directly or indirectly, attempt to control or influence the action of any member of said fire department, or any employé thereof, in any primary or general election. No member of the fire department shall levy, collect, or pay any amount of money as an assessment or contribution for political purposes. Any violation of the provisions of this section shall be deemed a misdemeanor. Members not to engage in politics.

SEC. 22. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXLVII.—*An Act in relation to division fences in the County of Sonoma, and the lines of counties bordering thereon.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Land owners  
to erect  
fences.

SECTION 1. It is the duty of land owners, whose lands border on land in an adjoining county wherein lawful fences are required, to erect a lawful fence one-half the distance such land borders on such county line. The particular portion each land owner shall build must be determined between themselves, except they disagree as to the same: in which case each shall, upon five days' notice from the other, either verbal or in writing, select some disinterested person to adjust the differences; and if these two fail to agree, then they must select a third disinterested person, and the three shall then determine the controversy, and their decision shall be final, and each land owner shall at once proceed to erect such fence in accordance with the decision of the three persons who have determined the same.

Failure to  
erect fences.

SEC. 2. After the final determination, as provided in section one of this Act, if either land owner shall fail, for sixty days, to erect his designated proportion of such fence, then the party consenting to such determination may erect the same, and the cost of such erection shall become a lien upon the land of the party failing to comply, and may be enforced in any Court of competent jurisdiction; or the party erecting such fence may, by due process of law, seize any personal property belonging to the other and not exempt from execution, and sell the same, the proceeds to be applied to the liquidation of the expense of erecting such fence, together with the costs of suit, the overplus, if any, to be returned to the owner of the property.

Persons neglecting,  
not to recover  
damages.

SEC. 3. No person neglecting or refusing to build his proper proportion of division fences, as prescribed in this Act, shall have recourse against the owner of animals trespassing upon his land, cultivated or uncultivated; but he shall be responsible for all injury done to such animals by removal of the same.

Land bordering  
on highway to be  
fenced.

SEC. 4. Any land bordering a highway must be fenced by the owner thereof with a lawful fence; and the land owner neglecting or refusing to build such fence, or when built, in keeping it in repair, shall have no recourse for the trespassing of stock driven upon or along such highway; *provided*, that this Act shall apply only to the County of Sonoma and to the border of counties adjoining thereto.

Lawful  
fences.

SEC. 5. Lawful division fences are:

*First*—If made of stone, four feet high, and not less than three feet base, and one foot thick on the top.

*Second*—If it be worm fence, the rails should be well laid and at least five feet high.

*Third*—If made of posts and boards, the posts must be well set in the ground, not less than eighteen inches in depth, and

not wider apart than eight feet. If intended to turn all stock, it shall be of at least five six-inch boards or four eight-inch boards high, or four boards high with a ditch embankment equal to one board; or four six-inch boards high, with a wire top; the boards to be six inches wide and one inch thick, the top board or wire to be four and one-half feet from the ground; the first board to be no more than two inches from the ground, the second four inches from the first, thence graduated to the top board, the spaces well divided, and the boards securely nailed to the posts. If intended, as by mutual agreement in writing, a lawful fence to turn only neat cattle, horses, and mules, a three-board fence shall be deemed sufficient, the bottom board to be two feet from the ground.

*Fourth*—If made of pickets, to be not more than three inches apart, posts and rails, or posts and poles, and a ditch or ditches, the fence must be equally strong and secure as a fence made as described in the last subdivision.

*Fifth*—If made of wire, posts, and poles, ditch, pickets, hedge, brush, or of any other materials, the fence, to be lawful, must be equal in strength and capacity, to turn stock, as the fence described in the third subdivision of this section.

SEC. 6. All posts used in such fences shall be at least twelve inches in circumference, set at least eighteen inches in the ground, and must be replaced when, and as often as, the posts shall become decayed. Posts used for fences.

SEC. 7. Each coterminous land owner shall construct and keep in repair a just proportion of the line fence between their respective tracts of land, unless, by stipulation, they agree to occupy in common. Owner to construct and proportion.

SEC. 8. Either party having a cause of action growing out of the violation of any of the provisions of this Act, relating to division fences along the border of the counties to which this Act is applicable, may bring suit in either of the adjoining counties, at his option, in any Court of competent jurisdiction. Fences on bordering lines.

SEC. 9. The notice provided for in section one of this Act may be given to the owner of the land, or to any occupant, agent, tenant, or trustee thereof. Notice, how given.

SEC. 10. All Acts and parts of Acts, in so far as they conflict with the provisions of this Act, are hereby repealed. Repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXLVIII.—*An Act to provide a new Circuit Register for the County of Fresno and other counties, and re-register the votes thereof.*

[Approved March 29, 1875.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Clerk of the Counties of Fresno, Kern, Tulare, Stanislaus, Merced, Amador, Butte, Nevada, and Sis- Clerks to procure new registers.

kiyou, must, within thirty days after the passage of this Act, procure a new book or books for the registration of electors of said counties, to be known as the "Great Registers of the Counties of Fresno, Kern, Tulare, Stanislaus, Merced, Amador, Butte, Nevada, and Siskiyou, in which must be registered the names of all the qualified electors of said counties, in the manner required by Chapter Three, of Article Throc, of Title Two, of the Political Code, except as in this Act otherwise provided.

Clerk not to  
require  
affidavit.

SEC. 2. Upon the demand of any elector of said counties, whose name appears on the former Great Registers thereof, and who shall show to the satisfaction of the Clerk or Assessor of said county that he is the person named therein, it shall be the duty of said Clerk or Assessor, and the deputy or deputies of said officers, to register or enroll the name of such person, without requiring the proof by affidavit, as provided in section one thousand and ninety-seven of the Political Code.

Naturalized  
citizens on  
former  
register

SEC. 3. Upon the demand of any naturalized citizen, resident of said counties, whose name appears regularly registered upon the former Great Registers thereof, and who shall show to the satisfaction of the said Clerks or Assessors, or of their deputies, that he is the person named therein, his name shall be registered or enrolled without the production of his certificate of naturalization, or proof of the loss of the same.

Clerks to  
appear in  
different  
townships

SEC. 4. It shall be the duty of said Clerks to appear in person or by deputy, at some public place in each of the several townships in said counties, at least thirty days prior to the first general election held after the passage of this Act, for the purpose of registering the names of the said electors, of which due notice of the time and place shall be given in such manner as the Board of Supervisors of said counties may direct.

Fees of  
Clerk.

SEC. 5. The Clerks shall be entitled to receive for their own use the sum of twenty-five cents for each name registered by him or his deputies for registration, which fees, with the cost of procuring the necessary lists and books, shall be a county charge.

Former  
registers to be  
preserved

SEC. 6. The former Great Registers must be preserved by the said County Clerks, but the same shall not be used for the purpose of any election after the first day of August, eighteen hundred and seventy-eight.

Repealed.

SEC. 7. All Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed.

SEC. 8. This Act shall take effect from and after its passage.



CHAP. CCCCXLIX.—*An Act to prohibit and punish the sale of adulterated syrup.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Any person who shall knowingly sell, or keep, or offer for sale, or otherwise dispose of any syrup, or golden drips syrup, silver drips syrup, or molasses, containing muriatic or sulphuric acids, or glucose, or adulterated with any other substance to improve the color thereof, shall be guilty of a misdemeanor. Selling adulterated syrup.

SEC. 2. Any person violating the provisions of section one of this Act shall be punished, and imprisoned in the County Jail of the county in which the offense is committed for a period not exceeding six months, or by a fine not exceeding five hundred dollars, or both. Penalty.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCCL.—*An Act to protect stockholders and persons dealing with corporations in this State.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Any Superintendent, Director, Secretary, Manager, Agent, or other officer, of any corporation formed or existing under the laws of this State, or transacting business in the same, and any person pretending or holding himself out as such Superintendent, Director, Secretary, Manager, Agent, or other officer, who shall willfully subscribe, sign, indorse, verify, or otherwise assent to the publication, either generally or privately, to the stockholders or other persons dealing with such corporation, or its stock, any untrue or willfully and fraudulently exaggerated report, prospectus, account, statement of operations, values, business, profits, expenditures, or prospects, or other paper or document intended to produce or give, or having a tendency to produce or give, to the shares of stock in such corporation a greater value, or less apparent or market value than they really possess, or with the intention of defrauding any particular person or persons, or the public, or persons generally, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the State Prison or a County Jail not exceeding two years, or by fine not exceeding five thousand dollars, or by both; *provided*, that this Act shall be construed to apply only to corporations whose capital stock has been or shall hereafter be listed at a Stock Board or Stock Fraud and misrepresentation; penalty for.

Exchange in this State, or whose shares be regularly bought and sold in the stock market of this State.

CHAP. CCCCLI.—[See volume of *Amendments to the Codes*.]

CHAP. CCCCLII.—[See volume of *Amendments to the Codes*.]

CHAP. CCCCLIII.—*An Act making an appropriation for the payment of guard and other military duty performed in San Francisco in November, eighteen hundred and seventy-seven, and January, eighteen hundred and seventy-eight, by detachments of the National Guard, and other expenses appertaining thereto.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation.

SECTION 1. The sum of five thousand two hundred and two dollars is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the payment of guard and other military duty performed in San Francisco in November, eighteen hundred and seventy-seven, and January, eighteen hundred and seventy-eight, by detachments of the National Guard, and other expenses appertaining thereto.

Controller to draw warrants.

SEC. 2. The Controller shall draw warrants in favor of the Commander of the Second Brigade, and of the Colonels of the First, Second, and Third Regiments of Infantry, and of the Captain of the First California Guard Light Battery of such brigade, in such sums, respectively, as the Board of Military Auditors may audit and allow—the aggregate of such sums not to exceed the sum appropriated in the first section of this Act—and the Treasurer shall pay the same.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. CCCCLIV.—*An Act for the relief of Frederick Kuhnle.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation.

SECTION 1. The sum of three hundred dollars is hereby appropriated out of the State treasury, payable out of any

moneys not otherwise appropriated, to pay Frederick Kuhnle for services rendered in arresting Andronica Ygera, who on the twenty-first of October, eighteen hundred and seventy-six, in the County of Marin, robbed one William Brown on the highway, while in his private conveyance, and afterwards murdered said Brown, for which crime of murder said Andronica Ygera was convicted and sentenced to twenty years' imprisonment in the State Prison.

SEC. 2. The Controller of State is directed to draw his warrant on the State treasury, payable as aforesaid, in favor of Frederick Kuhnle, for the sum of of three hundred dollars, and the State Treasurer is directed to pay the same. Warrant to be drawn.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCCLV.—*An Act to authorize the maintenance of booms in Elk River, and the removal of obstructions from said stream.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. William Carson, D. R. Jones, Euphronius Cousins, their associates and assigns, are hereby authorized and empowered to construct and maintain such booms in main Elk River, in Humboldt County, as may be necessary and proper to facilitate the business of floating logs and timber down said stream, and to charge and collect upon all logs and timber secured and boomed by them such sum as may be fixed by the Board of Supervisors of said county, from time to time, not exceeding fifteen cents per thousand cubic feet, board measure; *provided*, that it shall be lawful for any and all persons owing timber lands on and adjacent to said Elk River, who shall pay to the said William Carson, D. R. Jones, and Euphronius Cousins, their associates and assigns, their pro rata of the expense incurred in the construction of a boom and other improvements necessary thereto already constructed on said Elk River by the said William Carson, D. R. Jones, and Euphronius Cousins, which shall be determined by the Board of Harbor Commissioners of Humboldt Bay, in said county. Booms to be constructed.

SEC. 2. All logs and timber secured by the booms mentioned in this Act, shall be passed by and through said booms into Humboldt Bay without any unnecessary delay; and if, for five days after being notified to remove the same by the persons having charge of said boom, the owner of such logs fails to commence the removal of said logs and timber, and to continue and complete such removal with reasonable diligence, then the parties named in the preceding section are authorized and required to remove the same, and shall have the right to retain the possession thereof until all charges Owners failing to remove logs.

and expenses necessarily and reasonably incurred in the removal of said logs and timber, and in their preservation afterwards, shall have been paid by the owner of the logs and timber so removed and protected, and the lien hereby given may be enforced in like manner as if such logs and timber were pledged to secure the payment of such charges and expenses.

Parties to  
remove  
sunken  
logs, etc.

SEC. 3. The parties named in section one of this Act shall keep the body of Elk River clear from sunken logs, snags, trees, and driftwood; but the cost of removing sunken logs shall be a charge against the person placing the same in the river, and shall constitute a lien upon said logs so removed, and upon all other logs of such persons coming into said boom, and may be enforced in like manner as the lien given by the preceding section.

Rights to  
continue.

SEC. 4. All rights and privileges given by this Act to the persons named and referred to in section one shall continue for the term of fifteen years from the time this Act takes effect.

Obstructing  
river; pen-  
alty for.

SEC. 5. All persons are hereby prohibited from placing in said river, or any of its tributaries, any logs that will not float, or other obstruction to the free use of said stream or its tributaries for floating logs. Any person violating this section may be notified, in writing, to remove such obstruction, by any person damaged thereby, and in case of neglect or refusal so to do for the space of five days, it shall be lawful for such person so damaged by such obstruction to remove the same, and the reasonable expense thereof, together with all damages occasioned by such obstruction, shall be a charge against the person so neglecting, and the same may be collected in the same manner as other debts are collected in this State; and the logs of the party causing such obstruction may be attached for such expense and damages, and may be sold in the same manner as property is attached and sold on contract debts in civil actions.

SEC. 6. This Act shall take effect from and after its passage.

CHAP. CCCCLVI.—*An Act to provide for the construction of a railroad from the Town of Truckee, Nevada County, to Tahoe City, Lake Bigler, in Placer County, and to regulate fares and freights thereon.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Right of way  
granted.

SECTION 1. The right of way to lay out, construct, and run a line of railroad, to keep in repair and use the same by running thereon cars propelled by steam, for the convenience and profitable use thereof, by way of the Truckee River, from the Town of Truckee, in the County of Nevada, to Tahoe City, Lake Bigler, in the County of Placer, is hereby

granted to A. J. Bayley, J. F. Moody, J. A. Huntington, J. P. Bayley, and H. M. Hollister, their associates and assigns, for the term of thirty years; *provided*, that the construction of said road shall be commenced within two years from the date of the passage of this Act, and shall be completed within six years thereafter.

SEC. 2. The parties aforesaid, and their assigns, may, in the construction of said road, use rails therefor and thereon of such material, form, and dimension as in their judgment they may deem proper. Rails used.

SEC. 3. It shall be lawful for the parties aforesaid, and their assigns, to charge and receive any sum not exceeding ten cents per mile for each passenger, and twenty cents per ton per mile of freight transported on said road; *provided*, that upon freight transported on said road, for any distance not exceeding ten miles, thirty per cent. may be added to the above rates. Rates charged.

SEC. 4. On all single packages weighing two thousand pounds, and less than three thousand pounds, there may be added to the rates allowed in section three of this Act twenty-five per cent. thereof, and on all single packages weighing three thousand pounds and less than four thousand pounds, there may be added to such rates fifty per cent. thereof, and on all single packages weighing four thousand pounds and less than five thousand pounds, there may be added to such rates seventy-five per cent. thereof, and on all single packages weighing five thousand pounds and upwards, there may be added to such rates one hundred per cent. thereof. Other rates.

SEC. 5. On all gunpowder, camphene, acids, or any explosive material of a like nature, also on glass and glassware, there may be added to the rates provided in section three of this Act one hundred per cent. thereof. Rates on explosive materials.

SEC. 6. It shall be the duty of the parties aforesaid and their assigns, after the completion of the road, on the first Monday of January of each year, to make and file with the Clerk of the Board of Supervisors of Nevada and Placer Counties a statement, in writing, under oath, of all moneys received during the fiscal year ending December thirty-first of each year, from the earnings of said road, the rates and fares charged, the running, repairing, and construction expenses, with insurance and tax expenses, the amount (if any) of existing indebtedness, and if dividends have been declared, the amount thereof, and the amount of cash on hand. Parties to make statement.

SEC. 7. If it shall appear from such statements that the net revenue of the road, arising from its earnings during the year, has exceeded twelve per centum per annum upon the money invested in the construction and equipment thereof, then the Board of Supervisors of the Counties of Nevada and Placer shall have the power, and it shall be their duty, to adjust, fix, and reduce the rates and fares for passenger travel and freights upon the road to such rates and fares as will realize to said parties, or their assigns, a net revenue from the road upon capital invested, or sum equal to, but not to exceed, twelve per cent. per annum. Supervisors to fix rates.

No discrimination  
allowed.

SEC. 8. No discrimination shall be made between persons, parties, or localities, as to fares and freights or to the transportation of goods.

Powers of  
said parties.

SEC. 9. Said parties, their associates and assigns, in the conduct and management of said railroad, shall have all the power, and be subject to all the liabilities, and conform to all the requirements contained in Chapters Two and Three, of Title Three, of the Civil Code of California, relating to railroad corporations, so far as the same are consistent with the provisions of this Act.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLVII.—*An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo.*

[Approved March 20, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Records to  
be transcribed.

SECTION 1. The Board of Supervisors of the County of San Mateo are hereby authorized and empowered to appoint a suitable and competent person to transcribe and copy in record books so much of the records of the City and County of San Francisco, and of the County of Santa Cruz, as may be necessary for the uses of the County of San Mateo, and which will form a complete record of all the real estate in the County of San Mateo, and pay for the same out of the General Fund of said county.

Tax to be  
levied

SEC. 2. The Board of Supervisors of the County of San Mateo are also authorized to cause to be levied and collected, in each year, in the same manner and at the same time that the State and county taxes are levied and collected, a tax not to exceed fifty cents on each one hundred dollars of the taxable property of said county, for the purpose of constructing, maintaining, and repairing the public roads in said county.

Special  
Road Fund

SEC. 3. Said tax, when collected, shall be paid into a fund to be known as the Special Road Fund of the county; and the Board of Supervisors are authorized to cause warrants to be drawn against said fund in payment for work done on any of the public roads of the county, in anticipation of its collection.

Supervisors  
to repair  
bridges.

SEC. 4. The Board of Supervisors are further authorized and empowered to construct, maintain, and repair all public bridges and roads within said San Mateo County, in any manner they may deem most advantageous to the county, to contract for the keeping the whole or any part of the public roads in repair for any term not to exceed three years, and to, if they deem it for the best interest of the county, settle and adjust, and without litigation, any claims due the county by persons or corporations.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLVIII.—*An Act in relation to the fees to be received by the County Recorder of San Luis Obispo.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. For all services performed by the Recorder of San Luis Obispo, as provided in section forty-two hundred and forty-three of the Political Code, and for all services performed by him that might be performed by a Notary Public, he may collect the fees allowed by law, and retain the same to his own use and benefit. Fees of Recorder.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCLIX.—*An Act in relation to the roads and streets within the City of San Luis Obispo.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The City of San Luis Obispo shall constitute a road district in the County of San Luis Obispo, and, with the exception of the per centum of the road taxes collected therein which shall be apportioned to the general county road purposes, under the existing law, all road taxes collected in said district must, by order of the Board of Supervisors of said county, be paid into the treasury of said city as fast as the same are collected and apportioned, and the money so paid into the said treasury must be applied by the Common Council of said city in constructing, repairing, maintaining, graveling, paving, or planking streets, bridges, and alleys in said city. City to constitute a road district.

SEC. 2. The Road Overseer of said district shall be appointed by the Common Council in like manner as is provided for the appointment of city officers, and shall remain in office during the pleasure of the appointing power. Council to appoint Overseer.

SEC. 3. The Common Council of said city shall have power to order and direct the Road Overseer thereof in regard to the time, place, and manner of performing work in the streets and alleys of the city. Council shall direct work.

SEC. 4. Said Road Overseer shall have alike powers and

Duties of  
Overseer.

duties as are provided by law for the Road Overseers of the certain road districts of said county; *provided, however*, that he shall be subject to the direction of the Common Council in performing work and repairs upon the roads and streets; that he shall make such semi-annual reports to the Common Council of said city as certain Road Overseers shall by law be directed to make to the Board of Supervisors of said county; that he shall pay over to his successors, or into the city treasury, all moneys remaining on hand at the expiration of his term of office, and that he shall receive for his services as Road Overseer such compensation as the said Common Council shall by ordinance provide.

Liabilities of  
city

SEC. 5. The City of San Luis Obispo shall be subject to all the liabilities which might or could attach to the county of San Luis Obispo from the neglect or malfeasance of said Road Overseer, in case he were appointed by the Supervisors of said county.

Council  
to direct  
proceedings.

SEC. 6. The Common Council of said city shall have full power to direct proceedings to be taken by the City Attorney of said city to condemn land therein for road and street purposes, in accordance with the provisions of Title Seven, Part Three, of the Code of Civil Procedure, whenever such proceedings shall, to the satisfaction of the Council, appear necessary and proper.

SEC. 7. All Acts or parts of Acts, in so far as the same may conflict with this Act, are hereby repealed.

SEC. 8. This Act shall take effect from and after its passage.

CHAP. CCCCLX.—*An Act making appropriations for the payment of claims accruing from the repair of, and furnishing the State Capitol, and for the improvement and care of the State Capitol grounds.*

[Approved March 29, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriations.

SECTION 1. There is hereby appropriated, out of the General Fund of the State treasury, the following sums of money, to pay the respective claims of the persons hereinafter named; arising out of the necessary repair of and furnishing the State Capitol, and for the permanent improvement and preservation of the State Capitol grounds: For Giraud and Pitcher, the sum of four hundred and seventy-five and seventy one-hundredths dollars; for J. G. Davis, the sum of one thousand five hundred and fifty-one and twenty-five one-hundredths dollars; for John Breuner, the sum of five hundred and forty-two and sixty-two one-hundredths dollars; for Laufkotter Brothers, the sum of three hundred and eleven and sixty-six one-hundredths dollars; for Ben Cohen, the sum of three thousand two hundred and twenty-eight and thirteen one-hundredths dollars; for Bush Brothers, two



hundred and forty-five and fifty one-hundredths dollars; for Huntington, Hopkins and Company, the sum of thirty and twenty one-hundredths dollars; for Hartwell, Hotchkiss, and Stalker, the sum of sixty-six dollars; for James McGuire, the sum of five dollars; for W. T. Garrett, the sum of three dollars; for C. H. Krebs, the sum of twenty-one and fifty one-hundredths dollars; for Sullivan, Kelly and Company, the sum of one hundred dollars; for City Water-works, the sum of sixteen hundred and fifty dollars; for John Voorhees, the sum of two hundred and nineteen dollars; for B. F. Alexander, the sum of eighty dollars; for deficiencies in the appropriation for the permanent improvement of the State Capitol grounds, eight thousand dollars.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCLXI.—*An Act to provide for the location, construction, and maintenance of public roads in the County of Amador.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All roads in the County of Amador, which have been located as public highways by order of the Board of Supervisors or Township Trustees, and all roads in public use, which have been recorded in county or township records as public highways, or which may be recorded by authority of the Board of Supervisors, as hereinafter provided, are hereby declared public highways; and all roads in the County of Amador now in public use, which do not come within the provisions of this Act, are hereby declared vacated; *provided*, that no toll road shall be established on any road vacated by virtue of the foregoing provisions of this section, upon which there shall have been expended any money or labor belonging to the Road Fund or tax of said county, unless with the full knowledge and consent of the Board of Supervisors of said county.

Roads declared public highways.

SEC. 2. The Supervisors of Amador County shall be ex officio Road Commissioners in the several districts in which they are elected, whose duty it shall be to take general charge and supervision of all roads in said district. Each Commissioner shall, before entering upon the discharge of his duties, file with the County Clerk a bond in a sum not less than three thousand dollars, with not less than two sureties, conditioned for the faithful performance of his duties as such Road Commissioner, which bond shall be approved by the County Judge, and made payable to the people of the State of California.

Duties of Supervisors as ex officio Commissioners.

SEC. 3. It shall be the duty of each Commissioner, in his district, to take charge of and keep, or cause to be kept, in good condition for travel, the roads used as public highways.

Commissioners to take charge of roads.

He shall have the power to cause the necessary work to be done upon the public roads, either by labor employed by him for that purpose and under his immediate supervision and direction, or may, if he deem it advisable, have such work performed under contract; *provided*, that if he shall conclude to have any such work done under contract, he must give notice thereof by publication for at least two weeks in the one of the newspapers of the county, or by posting notices in not less than five public places in the township where such work is required to be done, or by both such publication and posting of notices, inviting proposals for doing such work; such notice must specify the particular work required to be done, the place where, and the time when such work must be completed. Said publication, or posting of such notices, must be not less than ten days before the time appointed for awarding a contract for such work. At the time appointed, the Road Commissioner shall open and examine all the proposals that shall be submitted, and must award the contract for such work to the person or persons making the lowest offer; *provided*, that if the Commissioner shall deem that all the proposals are too high, he may reject all the bids made, and may have said work or repairs done with labor and material procured under his direction. The Commissioner of each district is authorized to purchase all material and tools that may be necessary for working or making repairs upon the public roads or bridges in his district; he must keep an account of all such purchases, and must turn over to his successor in office all tools or materials in his hands, taking a receipt therefor.

Bond  
required.

SEC. 4. The Road Commissioner shall, in all cases, require a bond from the contractor for any work contracted to be done under the provisions of this Act, in such sum as shall amount to at least double the sum named in the contract, with not less than two sureties, made payable to the people of the State of California, to be approved by such Road Commissioner; such bond shall be conditioned for the faithful performance of the contract, and must be filed with the County Clerk.

Contractor's  
duty.

SEC. 5. Whenever a contract is let under the provisions of this Act, it shall be the duty of such contractor to diligently and faithfully perform and complete the work specified in such contract in accordance with the terms and conditions thereof; and should any person or persons neglect or refuse to make the improvements, or keep in good repair any road or other work so contracted for, it shall be the duty of the Road Commissioner to notify such contractor to immediately do the required work according to the terms of his contract, and if he or they shall refuse or neglect to comply with said notice for five days, after being so notified, then it shall be the duty of the Commissioner to have such work done in accordance with the specifications contained in said contract; and the cost of such work must be deducted from whatever sum may be due to such contractor on said contract, and if such amount shall not be sufficient, the deficiency may be recovered from such person or persons so.

neglecting or refusing, or from their sureties, as other debts of equal amount are recoverable by law, with costs of suit.

SEC. 6. It shall be the duty of the Commissioner, if he shall think a new road is necessary, or the alteration or vacating of an existing one shall be for the public interest, upon the petition of twelve or more persons, resident taxpayers of the county or township in which such new road is intended to be located, or the alteration or vacation of an existing one shall be contemplated, praying for a public road to be laid out or changed, altered or vacated, within the township or county, or a petition, signed by one or more persons, praying for a private road or lane to be laid out from the farm or dwelling of any person to the public road, to proceed to view, survey and lay out the proposed new road, or make the necessary change in the old one, marking either on the ground, or noting on the maps or drafts; and if it passes through private lands, through whose lands it passes. He shall in no case locate any public road above a grade of eighteen inches to the sixteen and one-half feet linear measurement. And it shall be the duty of the Commissioner to procure releases, in writing, of the owners of said land through which the said new road may pass, of all damages that may arise to them in opening the same; and if he shall fail to procure releases he shall appoint three Viewers (the County Surveyor to act as one), who shall view out and locate said road, and appraise all legitimate damages arising from such location or change, and upon the return of the certificate of the Viewers, together with the location, if satisfied with the same, he shall submit the claims for damages, if there be any, by persons through whose lands the road may pass, to the Board of Supervisors for their approval; and if they shall approve the same, the Road Commissioner shall immediately declare the same a public highway, and he shall divide said road into sections, and record the same in his road book, and shall have the same sold, contracted, or made, as provided for in section three of this Act. And in case of vacation of a road, or part of a road, it shall be the duty of the Viewers appointed and acting, as hereinbefore provided, to view, survey, and report to the Commissioners, who, if favorable to the same, and if confirmed by the Board of Supervisors, shall declare such road vacated, and it shall cease to become a part of the public highway; and all contracts to repair said road or part of road so vacated shall be annulled by the Road Commissioner, who shall proceed to settle with the purchaser or contractor of said road.

Commissioner to locate road.

Grade of road.

Viewers' duty.

SEC. 7. The Viewers or Commissioners performing service under the provisions of this Act shall receive for their services four dollars per day for each and every day actually employed, and ten cents per mile necessarily traveled in going to and returning from where the contemplated road is situated, and shall be paid from the County Road Fund; *provided*, that all damages and expenses accruing from the location of any private road or lane shall be paid by the

Compensation; how paid.

party or parties petitioning for said road or lane; and the Road Commissioner may, before acting upon any petition for such private road or lane, require each a bond from the party or parties so petitioning as shall in his judgment seem proper, to be held as security for all damages or expenses accruing from the location of said road; liabilities upon said bonds to be collected as is provided by law in similar cases.

Commis-  
sioner to  
inspect  
roads.

SEC. 8. It shall be the duty of the Commissioner to inspect the roads once in every three months; and if he shall deem the work done sufficient and according to the contract, he shall then, if required by the contractor or contractors, certify the fact to the Board of Supervisors, together with the amount due for said work; and if the Board of Supervisors be satisfied that the terms of the contract be fully complied with, the demand shall be audited, and a warrant drawn upon the Road Fund in favor of said contractor, to be paid in the manner prescribed by law for the payment of other demands against the county; *provided*, that should the contractor or contractors be dissatisfied with the decision of the Commissioner, it shall be lawful for the contractor or contractors to make application to a Justice of the Peace in said or adjoining township, who shall appoint, together with the parties, three persons competent and disinterested, not citizens of the township in which said road is located, whose duty it shall be to make inspection of said work and report to said Justice whether the same has been so performed according to contract or otherwise, whose decision shall be final and conclusive.

Commis-  
sioner, in  
report, to  
state.

SEC. 9. The Road Commissioner shall have power, and it shall be his duty, to embrace in his quarterly report, hereinafter provided, a statement of the condition of all toll-bridges and toll-roads in the county, and also all repairs necessary to be done upon said toll-roads to put them in good passable condition; and whenever any toll-bridge or toll-road shall be reported to be in an unsafe condition or out of repair, to immediately notify, in writing, the agent, owner, or superintendent in charge of said road of the work necessary to be done to render such road or bridge safe, or to put said road in good passable condition. In case of the neglect or the refusal of the owners to comply with such notice for a period of ten days, the right to collect toll upon said road shall be forfeited, and the Road Commissioner shall give public notice to that effect. After such notice, any agent or employé of said road, or any other person, who shall demand, ask, or receive tolls upon such roads, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than fifty dollars, or by imprisonment in the County Jail not exceeding ten days; *provided*, that upon receiving notice, road owners may, within five days thereafter, appeal to the Board of Supervisors; and in case of such appeal, the Board shall meet on the tenth day and determine from the evidence brought before them whether such right to collect toll shall be forfeited or not.

Bridge, etc.,  
exempt  
from sale

SEC. 10. Any bridge or any section of the public highway, the cost of the building or repairing of which shall

exceed the sum of three hundred dollars, shall be exempt from the sale provided under the preceding sections of this Act; *provided*, the keeping in repair of said bridge may be included in any contract or purchase of any public road adjacent. All contracts for the construction or repairing of any bridge, involving an expenditure exceeding the sum of three hundred dollars, shall be let by the Board of Supervisors to the lowest responsible bidder; notice of such letting to be advertised in a newspaper published in the county at least two weeks prior to the letting, asking for sealed proposals.

SEC. 11. The Road Commissioner of each district shall be custodian of all books and papers and other property belonging to his district, and at the end of his term shall turn them over to his successor in office; *provided*, that all maps, reports, and surveys that may be made, or are required by law to be made, shall be filed with and safely kept by the County Clerk.

Road Commissioner to be custodian.

SEC. 12. The Supervisors of Amador County, elected prior to the passage of this Act, shall be ex officio Road Commissioners, and shall perform the duties required by this Act for the term for which they were elected, and shall receive a per diem of five dollars per day for each day of service actually and necessarily performed, and for every mile necessarily traveled in the inspection of any and all public roads as provided by this Act, ten cents per mile.

Supervisors to be ex officio Road Commissioners.

SEC. 13. The Road Commissioners shall keep a correct account of all sums due or claimed to be due to any and all contractors or persons for work done on the public roads in his district, and of all certificates issued by him in favor of persons who have performed any work, or in favor of contractors, and also the number of days' service, and the number of miles traveled by him in the performance of his duty, and of all sums expended by him in the improvement and repair of public roads in his district; and he shall report the same under oath, together with all transactions had, incumbent on the office, in a quarterly report to the Board of Supervisors. Upon receiving and approving the quarterly report, which must be filed within three days after the first day of each regular term, the Board of Supervisors shall allow five dollars per day for each day necessarily occupied by the Commissioner of each district in the performance of his duty, and ten cents per mile for each mile necessarily traveled in the performance of said duty; *provided*, that no allowance shall be made to any Road Commissioner for more than two hundred dollars in any one year, per diem and mileage inclusive. The mileage herein provided shall be computed from the residence of the Road Commissioner; *provided*, that no mileage shall be allowed as Road Commissioner when mileage is drawn as a Supervisor.

Correct accounts to be kept.

Salary to be allowed.

SEC. 14. Every male resident of Amador County, over twenty-one and under fifty years of age, shall be required to pay to the Collector, or his deputy, the sum of two dollars, in gold or silver coin of the United States, as a county road tax for the year in which said road tax shall be demanded,

Who to pay road tax.

Tax Col-  
lector to fur-  
nish list.

Collector  
may attach.

and shall be entitled to, and it is hereby made his duty to demand from the Collector, a printed road tax receipt, signed by the Auditor, and countersigned by the said Collector, in return for and showing the amount so paid to such Collector; and any person, when so applied to neglecting or refusing to pay such road tax, shall be considered as a delinquent, and shall be proceeded against as such, and the Collector shall proceed to collect from him the sum of two dollars, in gold or silver coin of the United States, in the manner and form as provided in section fifteen of this Act; *provided*, that any person who may elect to work two days upon the public roads, under the direction of the Road Commissioner, shall be entitled to a road tax receipt. The Tax Collector shall furnish the Commissioner of each district with a list of persons in his district so choosing to work, and said Commissioner shall notify such person to appear and work upon the public roads at such time and place as he shall designate or direct; and upon such person performing three days' labor, to the satisfaction of such Commissioner, he shall give to such person an order on the Collector, who shall thereupon issue a tax receipt, and the Collector shall be entitled to the same fee as for collecting other road taxes, payable out of the District Road Fund of said district.

SEC. 15. Moneys, credits, and effects of the delinquent may be attached in the hands of third parties by the Collector, by delivering to the party having such credits, moneys, or effects of the delinquent a written order of garnishment, requiring said party to pay to the Collector the sum of money due by delinquent; and if the person thus served with notice shall pay the amount demanded, the Collector shall deliver to him a road tax receipt therefor, made to the name of the delinquent, to which shall be appended a receipt, written by and over the signature of the Collector, for the costs and charges allowed said Collector, to wit, two dollars; and the receipt thus delivered shall be a legal offset to any claim existing against the party garnished, in favor of the delinquent, to the amount specified in the receipt aforesaid. If the person on whom the garnishment is served should neglect or refuse to pay to the Collector the sum demanded of him, within five days after receiving such notice, the Collector shall apply to a Justice of the Peace, of his township, for an order requiring said person, so served as aforesaid, to be and appear before him forthwith, on a certain day named in said order, to answer, under oath, concerning any moneys, credits, or effects in his hands belonging to the delinquent; and if it shall appear, by the answer of the party, to the satisfaction of the Justice, that he has moneys, credits, or effects in his hands belonging to the delinquent, the Justice shall enter, in his docket, a judgment against the party thus examined, for the sum of four dollars and costs, two dollars of which shall be paid to the Collector for his services. Upon receiving the sum of four dollars, the Collector shall execute a road tax receipt, made to the name of the delinquent taxpayer, for the sum of two dollars, signed by the Auditor and countersigned by himself, and to which shall

be appended a receipt for the remainder, signed by himself. The judgment rendered against the person served with garnishment shall be collected in the same manner as other judgments in Justices' Courts, and shall be a legal offset against the delinquent in favor of the judgment debtor. The provisions of this section shall also apply to all who elect to labor on the roads, but who neglect or refuse to appear at the time and place required.

SEC. 16. The Clerk of the Board of Supervisors shall cause proper blank road tax receipts to be printed, in book form, with marginal notes and figures, which shall, in proper form, declare that the amount of two dollars, in gold and silver coin of the United States, has been received from the person (writing his name) to whom the receipt is given. Said receipts, before being issued, shall be signed by the Auditor of the county, in writing, and upon delivery to the taxpayer, shall be signed by the Collector. Said road tax receipts shall be of a uniform appearance, but the style thereof shall be changed annually. No other receipt shall be used by the Collector in the collection of said road tax, and the said receipts only in the manner described.

Road tax receipts; how to be printed

SEC. 17. The Auditor shall issue to the Collector, annually, upon his entering upon the discharge of his duties, as many road tax receipts as he may require, signed, taking his receipt for the same, and the road tax receipt so delivered shall be accounted as so much cash paid him, at two dollars each. All moneys collected by the Collector for road tax shall be paid by him on the first Monday of each month into the county treasury for the benefit of the County Road Fund, less ten per cent., which he shall be allowed for the collection for said taxes, and he shall take a receipt therefor from the County Treasurer, whereupon, immediately, and upon the day aforesaid, the Collector shall settle with the Auditor, and the road tax receipts returned by him to the Auditor shall be deducted from the amount issued to the Collector, as aforesaid. The Collector, in said settlement with the Auditor, must present for filing with said officer his duplicate Treasurer's receipt, showing the moneys so paid into the county treasury, and the Auditor shall credit the Collector with the sum so paid; also, making allowance for the fees to which he is entitled by law; and the Collector shall be liable on his official bond, if he or his deputies fail to collect said road tax from each and every person liable to pay said tax, when such tax may and can be collected in the manner hereinbefore provided, for the full amount of said tax and cost of suit, and may be proceeded against in the manner and form provided in the Political Code for the collection of moneys due the county by a like delinquency of the County Tax Collector.

Auditor to issue tax receipts.

Collector must present, etc.

SEC. 18. The Board of Supervisors shall cause a survey to be made of all roads in the County of Amador which have been declared public highways, and which have not heretofore been surveyed, and such roads as have been surveyed when the field notes of such Surveyor have been lost, with such alterations from previous surveys, shortening the dis-

Survey of roads to be made.

Construction  
of maps.

tance and lessening the grade of said roads, as the Road Commissioners may advise, and they shall, in case the Supervisors deem it necessary, cause a map to be constructed, on which the surveys of all public roads in the county shall be portrayed, and they shall cause the field notes of such surveys to be compiled and published in pamphlet form. They may order a sufficient number of maps to be constructed and field notes to be printed for the use of the county, and such map and field notes shall be free to inspection, at all reasonable hours, upon request, to any inhabitants of the county. When any public roads shall connect with a toll-road, in a line and direction parallel with the same, the County Surveyor, in connection with the owner or agent of said toll-road, shall establish the point at which such roads connect at each end of such toll-road, and he shall plainly define and mark the boundaries of the same and transcribe the same in his field notes.

Payments;  
where may  
be drawn.

SEC. 19. All contracts let or sold to any and all contractors or purchasers, for the payment of which orders may be drawn upon the Road Fund of the county by the Board of Supervisors, shall be let or sold on what have been declared public highways by said Board. The Road Commissioners, or any contractor for the building of improvement of public roads, shall have power to make use of any gravel, dirt, timber, and rock for improving the roads necessary, from any adjacent unimproved lands, and the Board of Supervisors may allow such damages, if any there be, to the owners or claimants of such lands as they may deem just; *provided*, that the said Board of Supervisors shall be liable, jointly and severally, to pay damages to the county, at the suit of any citizen, if it shall be made to appear that they have allowed extraordinary damages to such property owners.

Damages to  
be allowed.

Miscellaneous.

SEC. 20. If any person shall willfully obstruct any public highway, or any street or lane, by felling any tree across the same, or by placing any other obstruction therein, or by excavating or digging therein, or shall destroy any ford or crossing of any creek, gulch, river, or stream of any character, by digging away the banks, or by damming, deepening, or widening the same, or by filling up or in any manner injuring or destroying any gutter, sewer, or culvert constructed for the purpose of carrying away water from any road, he or they shall be adjudged guilty of a misdemeanor; *provided*, that if any person or persons shall wish to dig or construct any ditch crossing the public highway, street, or lane, for the purpose of conveying water for mining, mechanical, agricultural, or other necessary or useful purposes, they shall be permitted to dig or construct such ditch; in which case the owner or owners of such ditch shall construct or cause to be constructed and kept in good repair, at their own expense, good substantial bridges or crossings over such ditch. If the owner or owners of such ditch or ditches shall fail or neglect to construct and keep in good repair such bridges or crossings, he or they shall be adjudged guilty of a misdemeanor. It shall be the duty of the Road Commissioner of each district to immediately remove, or cause



to be removed, all obstructions from any public highway heretofore declared such, or any that may be hereafter declared as a public highway. Any person or persons resisting or offering to resist the Commissioner, or any person or persons acting under his authority or direction, in the removal of obstruction, shall be deemed guilty of a misdemeanor, which shall be punished as other misdemeanors are punished by law; *provided*, that the Commissioner may, on public highways passing through thinly populated and little traveled districts, and where he may decide that the damages to the owners of the land through which the road passes, in consideration of the necessity of erecting fences along the line thereof, shall be greater than the benefits to be derived by the public, authorize the erection and maintenance of gates thereon, and any one who leaves open such gate shall forfeit to the injured party double damages.

SEC. 21. If any person shall willfully destroy or injure any bridge, plank road, or causeway, or remove or cause to be removed any of the plank or timber thereof, or cut down or injure any tree planted or growing as a shade tree in any highway, street, or lane, or damage such highway, street, or lane, by digging in it, he shall be liable to be prosecuted before a Justice of the Peace of the township in which such road, street, or lane is situated, by the Road Commissioner, contractor, or any citizen of the township, and on conviction shall be fined in any sum not less than ten nor more than fifty dollars.

Persons can  
be fined.

SEC. 22. All fines collected under the provisions of this Act shall be paid into the county treasury for the benefit of the County Road Fund of Amador County.

Fines paid  
to County  
Treasurer.

SEC. 23. The Board of Supervisors shall have power to levy a property tax, which shall not exceed twenty-five cents on each one hundred dollars of real and personal property in the county, for road purposes, to be levied and collected at the same time and in the same manner as other property taxes are levied and collected, and the property tax thus levied and collected shall be paid into the county treasury for the benefit of the public roads of the county. And it is hereby made the duty of the Tax Collector, upon paying into the treasury the moneys so collected, to furnish to the Auditor and Treasurer of said county a statement showing the amount of such tax collected in each of the townships of said county. Said Auditor and Treasurer shall thereupon apportion and place to the credit of the District Road Fund of each Commissioner's District the respective amounts so collected in said district. All work done or repairs made upon the public roads in the several districts, or material or tools purchased therefor, shall be paid by warrants drawn against the particular District Road Fund in which said work was done; said amounts or claims to be first audited and allowed at a regular meeting of the Board of Supervisors; *provided*, that no warrants shall be audited or drawn against any District Road Fund so as to make the outstanding warrants of said district, in the aggregate, exceed the money placed to the credit of such district over one thousand dollars.

Property tax  
to be levied.

Work, etc.;  
how paid.

Moneys  
disbursed.

SEC. 24. All moneys disbursed by the County Treasurer from the County Road Fund shall be paid out on orders drawn by the Board of Supervisors, sitting as an auditing board, in the manner now provided by law.

Maps, etc.

SEC. 25. All maps and field notes made and compiled under the provisions of this Act shall be deemed and considered public records, and the original and certified copies thereof shall be prima facie evidence of the contents and correctness thereof in all the Courts of this State.

Road Com-  
missioners  
pass free.

SEC. 26. The Road Commissioners shall be and they are hereby authorized, entitled, and privileged to pass over all toll-roads, turnpike roads, ferries, and bridges within their several districts, with animal and vehicle, free of toll at all times when in the performance of their official duties.

Sheriff ex  
officio Road  
Tax Col-  
lector.

SEC. 27. The Sheriff of Amador County shall be ex officio Road Tax Collector, and shall collect the road poll tax of two dollars, from each person, as in this Act provided, with power to appoint such number of deputies as he may require, and shall be entitled to receive ten per cent. upon all sums collected, as provided in section seventeen. The Assessor must file a bond, conditioned for the faithful discharge of his duties as Road Tax Collector, in the sum of five thousand dollars, with sufficient sureties; such bond to be approved by the County Judge and filed with the County Clerk, before entering upon the discharge of such duties. He must make a report to the Auditor on the first Monday of each month, verified by his oath, showing the amount of road poll taxes collected during the preceding month, and must pay such amount, less his fees for collecting the same, to the County Treasurer, taking his receipt therefor, and file a duplicate receipt with the Auditor.

Assessor to  
file bond.

Sheriff fees.

SEC. 28. The Sheriff of Amador County, elected prior to the passage of this Act, shall be ex officio Road Tax Collector for the term for which he was elected Sheriff, with power to appoint deputies, and shall be entitled to receive ten per cent. upon all sums collected, as provided in section seventeen of this Act.

SEC. 29. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 30. This Act shall take effect and be in force from and after its passage.

#### CHAP. CCCCLXII.—*An Act to incorporate the Town of Dixon.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Corporate  
name and  
rights.

SECTION 1. The people residing within the boundaries of that tract of land in Silveyville Township, Solano County, California, described in section two of this Act, are hereby constituted a body politic and corporate, by the name of the

Town of Dixon, and by that name shall have perpetual succession, may sue and be sued in all Courts and in all actions whatsoever, and shall have and use a common seal and alter the same at pleasure, and may purchase, receive, hold, and enjoy real and personal property, and sell and dispose of the same, subject to the provisions and limitations of this Act, and in no other way whatsoever; *provided*, that this Act shall not take effect unless at the first election mentioned in section three of this Act a majority of the legal voters residing within the corporate limits of said town, as described in section two of this Act, shall vote in favor of the incorporation of said town.

SEC. 2. Commencing at a point on the north line of the southeast quarter of section fourteen, township seven north, range one east, where the land of John S. Mayes and Thomas Dixon intersect, running thence due south to the section line dividing sections fourteen and twenty-three; thence west along said section line to the northwest corner of the northeast quarter of section twenty-three; thence south along the west line of said northeast quarter of section twenty-three a distance of four hundred feet; thence due east to the west line of the land of the California Pacific Railroad Company; thence southwesterly along said west line of said railroad land to the south line of Mayes' Addition to the Town of Dixon, as shown by official plat of said addition now on file in the Recorder's office of Solano County; thence east along said south line of said Mayes' Addition to the said east line of northeast quarter of section twenty-three; thence north along said east line of said quarter section to the south line of the land of Henry Smith; thence east along said south line of said Smith's land to the east line of the same; thence north along the said east line to the south line of the land of Ferguson and Coleman; thence east along said south line of said Ferguson and Coleman's land to the east line of the same; thence north along said east line to a point six hundred and seventy-five feet south of the north line of the northeast quarter of section twenty-four; thence east to the east line of said northeast quarter of section twenty-four; thence north along said east line of said quarter section and continuing along the east line of the southwest quarter of section thirteen to the north line of the land of W. A. Dashiell; thence west along said north line of said Dashiell's land to the east line of the piece of land belonging to Peter Timm; thence north along said east line of said Timm's land to the north line of the same; thence west along said north line of said Timm's land to a point due south of where the east line of the California Pacific Railroad Company's land crosses the north line of the southwest quarter of section thirteen; thence due north to said north line of said southwest quarter of said section; thence due west to the place of beginning.

Corporation  
boundaries.

City govern-  
ment; offi-  
cial terms.

SEC. 3. The government of said town shall be vested in a Board of Trustees, to consist of five members, a Treasurer, Assessor, Collector, and Marshal, who shall be elected by the qualified electors of said town on the first Monday of February, A. D. 1879, and shall hold office for one year; *provided*, that the first Board of Trustees, Treasurer, Assessor, Collector, and Marshal shall be chosen in like manner, at a time to be designated by the County Judge of Solano County, which time shall not exceed sixty days after the passage of this Act, and four weeks' notice thereof must be given, by publication in some newspaper published in said town, and the officers so chosen shall hold office until the first Monday in February, A. D. 1879, and until their successors are elected and qualified.

Board of  
Trustees  
to meet

SEC. 4. Within five days after their election and qualification the Board of Trustees of said town shall meet and organize, by electing one of their members President, another Secretary, and another Treasurer. All orders drawn on the treasury must be signed by the President and Secretary.

Marshal.

SEC. 5. The Marshal of said town shall be ex officio Assessor and Collector, and shall receive such compensation for his services as the Board of Trustees may prescribe by ordinance.

SEC. 6. The President of the Board of Trustees shall be ex officio Street Commissioner. But no member of the Board of Trustees shall receive any compensation for his services.

Power of  
Board of  
Trustees.

SEC. 7. The Board of Trustees shall have power to make such by-laws and ordinances, not inconsistent with the laws of this State or of the United States, as they may deem necessary; to prevent and remove nuisances; to prohibit disorderly conduct; to provide for licensing public shows, lawful games, and business and mercantile establishments; to provide protection against fire; to levy and collect, annually, a tax on all property in said town, not exceeding one-half of one per cent. of the assessment valuation thereof; to impose and collect a tax on dogs, not exceeding two dollars and fifty cents per annum, and to provide for the killing of said dogs if said tax is not paid; to pass ordinances prohibiting drunkenness, profanity, vulgarity, indecent exposure of person, and vice of all kinds; to prevent the leaving of the carcass of any dead animal on any street, alley, or lane in said town; to prevent the discharge of fire-arms of any kind within the town limits, except on public occasions; to prevent the immoderate riding or driving of any animal on the highways in said town; to prevent the cruel treatment of any useful animal; to compel the owners of property to remove any nuisances therefrom; and to regulate generally the moral, sanitary, and public interests of the town.

Same.

SEC. 8. The Board of Trustees shall have power to lay out, open, widen, and improve any public street or alley in said town, and to regulate the width, grade, and construction of the same; to compel property owners to build and maintain sidewalks in front or on either side of their premises,

when joining on any public street and when petitioned for by parties representing a majority of frontage on such street, and to regulate the size and construction of the same; *provided*, that the improving or grading of any street must be done in accordance with the provisions of Section 4,409 of the Political Code; *and provided further*, that no tax in any one fiscal year levied for this purpose shall exceed the sum of fifty cents per front foot. Power of Board of Trustees.

SEC. 9. The Board of Trustees, in the event of a tax being levied under this Act, and an assessment made, shall sit as a Board of Equalization for not less than two days, notice of which sitting shall be given by posting notice in three public places in said town for ten days next preceding the time fixed for such sitting, that the assessment roll is open for inspection, and that said Board will sit as a Board of Equalization to hear all complaints. They may require testimony and may increase or diminish the assessment of property or add any property that may have been omitted as may be just and equitable. Same.

SEC. 10. The Board of Trustees shall be the judges of the qualification of their own members, and of all election returns, and shall determine contested elections of town officers. They may prescribe such rules and regulations governing themselves, not inconsistent with this Act, as may best suit their convenience, including the manner of drawing orders on the treasury, holding meetings—*provided*, that they shall hold at least one meeting every month—and all other matters pertaining to the duties of their office. Same.

SEC. 11. The Board of Trustees may provide for a pound and Poundmaster, and for the taking up and impounding of any horse, mule, jack, jennet, cattle, goats, sheep, or swine found at large within the town limits, and for the sale of the same by the Poundmaster, also for the reclaiming or redemption of any such animal or animals by the owner, if he appear and claim the same, and may, by proper ordinance, establish rules and laws governing all proceedings under this section. Same.

SEC. 12. For the purposes of this Act, the Justices of the Peace of Silveyville Township are clothed with all the authority of Police Judges under the general statutes of this State, and all moneys collected by them for a violation of any town law or ordinance, after deducting costs, must be turned over to the Board of Trustees for the use and benefit of the town. Justices' power of Police Judges.

SEC. 13. The Board of Trustees are prohibited from contracting any debt on the credit of the town. Debt.

SEC. 14. The Board of Trustees may provide for a chain-gang, and may cause parties who have been fined for the violation of any ordinance of the town to work therein on the public streets of said town, not exceeding one day for every two dollars of such fine until it has been paid. Chain-gang.

SEC. 15. This Act shall take effect from and after its passage.

CHAP. CCCCLXIII.—*An Act relative to highways in Los Angeles County.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Highways  
defined.

SECTION 1. Highways are roads, streets, or alleys, and bridges, laid out or erected by the public, or if laid out or erected by others and dedicated or abandoned to the public, or conceded to the public by five years' general use.

HIGHWAYS—WHAT CONSTITUTE.

Highways;  
what consti-  
tute.

SEC. 2. Public roads, laid out and recorded as highways by order of the Board of Supervisors, and all roads used as such for a period of five years, are highways, and the Board of Supervisors may, at any time after the expiration of the said five years, cause said roads to be located and declared public. No compensation or damage shall be allowed therefor. Whenever any corporation owning a toll-bridge, turnpike, plank, or common road is dissolved, or has expired by limitation or non-use, the bridge or road becomes a highway.

HIGHWAYS—LOCATION OF.

Highways;  
location of.

SEC. 3. Where a question arises involving the exact location of any road (not having been previously located, or surveyed, or defined), the middle or center of the ground usually traveled shall be decided to be the center of the true location; *provided*, where different owners of the lands join on the road, the said line shall be the center of the road, unless said line is impracticable.

ROADS NOT VACATED.

Roads not  
vacated.

SEC. 4. Roads laid out as provided in Sections 1, 2, and 3, of this Act, shall not be vacated or cease to be a highway until so ordered by the Board of Supervisors.

BOOKS TO BE KEPT.

Clerk to  
keep book.

SEC. 5. The Clerk of the Board of Supervisors must keep a book in which must be recorded, separately, all proceedings of the Board relative to each road district, including orders laying out, altering and opening roads; and in a separate book, a description of each road district, its Overseers, its roads, highways, contracts, and all other matters pertaining thereto.

RIGHT OF WAY.

Right of  
way.

SEC. 6. By taking or accepting land for a highway, the public only acquire the right of way and the incidents neces-

sary to enjoy and maintain it, subject to the regulation of this Act and the Civil Code.

HIGHWAYS—SIDEWALKS ON.

SEC. 7. Any owner or occupant of land may construct a sidewalk on the highway along the line of his land, under the direction and control of the Board of Supervisors, and any person using such sidewalk with horse or team, without the permission of the owner, is liable to such owner or occupant for such trespass and all damage suffered thereby.

HIGHWAYS—TREES ON.

SEC. 8. Any owner or occupant of land adjoining a highway may plant trees on the lines contiguous to his land, subject to rules to be prescribed by the Board of Supervisors.

HIGHWAY DISTRICTS.

SEC. 9. Each Supervisor District of Los Angeles County shall constitute a highway district, and the Supervisor of said district shall be ex officio Commissioner of Highways in his own district, and shall receive the same compensation, except mileage, for services rendered under this Act, as are allowed him for the other duties of his office as Supervisor.

SUPERVISORS—DUTIES OF.

SEC. 10. The Commissioner of Highways must, subject to the modifications and approval of the Board of Supervisors:

*First*—Divide his district into a suitable and convenient number of road districts, and shall, in each year, appoint Road Overseers, during the February meeting of said Board, upon petition of a majority of the resident property taxpayers of the respective road districts, with power to remove for cause, and fill vacancies.

*Second*—Cause to be surveyed, viewed, laid out, recorded, opened, and worked such highways as are necessary for the convenience of the public, as in this Act provided.

*Third*—Abolish or abandon such roads as are unnecessary.

*Fourth*—Contract, agree for, purchase, or otherwise acquire the right of way over any property for the use of the public highways, and for that purpose institute, or require the District Attorney to institute, proceedings under Title Seven, Part Three, of the Code of Civil Procedure, and to pay therefrom the District Road Fund of that particular district.

*Fifth*—Provide for the construction, improvements, or repairs of highways or bridges; *provided*, that when the amount of work to be done for the construction, or the improvement, or the repair of a highway or bridge exceeds three hundred dollars, the same shall not be performed except by contract; said contract to be let to the lowest responsible bidder.

*Sixth*—Recommend the amount of a property tax to be levied each year in his district.

*Seventh*—Order and direct the Road Overseers specially in regard to the work to be done on particular roads in their districts.

*Eighth*—Cause to be erected and maintained, on the highways he may designate, mile-stones or posts, and guide-posts, properly inscribed.

*Ninth*—To do and perform such other acts as may be prescribed by the Board of Supervisors.

#### ROAD DISTRICTS DEFINED.

Road district defined.

SEC. 11. The road districts must be carefully and distinctly defined and described, and designated by the Board of Supervisors, and upon petition of a majority of resident land owners in any precinct or school district, they may constitute such precinct or school district a road district.

#### OVERSEER OF ROADS TO RECEIVE NOTICE.

Overseers to give bond.

SEC. 12 Overseers of road districts must receive notice of their appointment from the Clerk of the Board of Supervisors, and within ten days thereafter must give the official bond required by the Board of Supervisors in the order of appointment or confirmation, and take the usual oath of office. The notice and certificate that the bond has been filed and the oath taken and indorsed thereon, or a certified copy thereof, constitutes a commission, and authorizes the person named in and holding the same to discharge the duties of Overseer for one year, or until superseded.

#### OVERSEERS—DUTIES OF.

Overseer; duties of.

SEC. 13. Road Overseers, under the direction and supervision and pursuant to the orders of District Supervisors appointing them, must:

*First*—Take charge of the public highways within their respective districts.

*Second*—Keep them clear from obstructions, and in good repair.

*Third*—Cause banks to be graded, bridges and causeways to be made when necessary, and keep the same in good repair, and renew them when destroyed.

*Fourth*—Give two days' notice to the inhabitants of his road district liable to do work on roads, when, where, with what implements, and under whose direction to work.

Collection of road poll tax.

*Fifth*—Collect from each inhabitant notified to work, and who fails to work, all road poll tax for which he has become liable, and faithfully account for and pay the same into the county treasury into the funds of the district entitled thereto, taking the Treasurer's receipt for the same, and a duplicate to be given to the Clerk of the Board of Supervisors; and for all services rendered in the collection of said road poll tax shall receive in full compensation the sum of fifteen per



centum on all road poll tax receipts actually sold for cash or labor.

SEC. 14. Every Road Overseer must make to the Board of Supervisors, on the first Monday of February of each year, a written report, under oath, containing: Overseer; report of.

*First*—The names of all persons in his district who have paid road poll tax, and the amount paid by each, and whether in coin or labor.

*Second*—The names of all delinquents, and amount due from each.

*Third*—A full return, by items, of the amount of labor, and the names of persons laboring, and the amount of money expended on each separate road, and the manner in which and the time the same was done, and a full account and the value of all tools and materials in their possession belonging to the district or county.

*Fourth*—The number of road poll tax receipts received, sold, and returned by him unsold; an accurate account of every day he himself was employed, and the nature and items of service rendered.

*Fifth*—Receive for his services from money belonging to his road district the sum of three dollars for each day's service actually rendered by him in working of the roads, not to exceed the sum of three hundred dollars per annum, to be audited and ordered paid by the Board of Supervisors.

SEC. 15. The Road Overseers must accompany their reports with all moneys remaining in their hands at the date of their reports, and show the Treasurer's receipt for all moneys collected by them during the past year, and a certificate from the Clerk of the Board of Supervisors that he is clear on the Clerk's books for road poll tax receipts. Money to accompany report

#### OVERSEER—PENALTY FOR NEGLECT.

SEC. 16. A failure to make a report as required, or to pay over any moneys remaining in his hands, shall subject the Overseer to a penalty of twenty-five dollars, to be recovered in an action on his bond, together with any balance due from him. Suit therefor may be instituted by the District Attorney, under an order from the Board of Supervisors. Overseer; failure to pay money.

#### OVERSEER TO ADD TO HIS LIST.

SEC. 17. The Road Overseer must keep a correct list of all persons liable for road poll tax in his district.

#### ROAD TAX—WHO LIABLE FOR.

SEC. 18. Every male inhabitant of said county, except inhabitants of cities and incorporated towns, between the ages of twenty-one and fifty years, shall pay annually a road poll tax of three (3) dollars in coin, or two days' labor for highway purposes; *provided*, the same is paid before the first Monday in January in each year, but if not paid before said day it shall be four dollars in coin, and shall be then delin- Road tax; who liable for.

quent; and said delinquent tax shall, from and after the said first Monday in January of each year, become a lien upon any and all real estate owned by the delinquent taxpayers in the several road districts, and shall take the same course and be collected in the same manner as delinquent poll tax for State and county purposes is now collected; and it is hereby made the duty of the Road Overseer to make a return of said delinquent taxes to the Tax Collector or other proper officer of the county on or before the first Monday of October in each year.

#### EMPLOYERS TO PAY FOR EMPLOYÉS.

Employers  
to pay road  
poll tax.

SEC. 19. Every person or corporation indebted to one or more in his or its employ, subject to road poll tax, shall, upon demand, pay said poll tax to the Overseer of Highways, and shall become liable therefor after service upon him or his agent, by the Road Overseer, of a notice, in writing, stating the name of such person, and a receipt for such road poll tax from the Road Overseer shall be conclusive evidence of credit to the employer against the employé.

#### SALE FOR DELINQUENT TAX.

Sale for  
delinquent  
tax.

SEC. 20. Every person who refuses or neglects, upon demand by the Road Overseer, to pay a road poll tax, is delinquent, and the Overseer must (except when real estate is liable therefor) collect said poll tax by seizure and sale of any debts due to, or personal property owned by, such delinquent. The sale must be at public auction, and at any time after twenty-four hours' written notice to the delinquent of the time and place of such sale.

#### SEIZING AND SELLING—FEE FOR.

Seizing and  
selling; fee  
for.

SEC. 21. For all services rendered by the Road Overseer, under the provisions of section twenty (20) of this Act, he shall receive the sum of one dollar, and no more.

#### PROPERTY SOLD—TITLE TO.

Property  
sold; title to.

SEC. 22. On payment of the amount bid for any property sold under the provisions of the preceding sections, and the delivery of said property with a bill of sale thereof, the title thereto vests in the purchaser; *provided*, that the same be not redeemed by the owner of the said property within ten days of the date of said sale; *and provided further*, that the said owner of said property shall have the right to redeem the same at any time before the expiration of ten days from the sale thereof upon the payment to the purchaser of the amount of the road poll tax and cost of collection.

#### TAX RECEIPT EVIDENCE OF CREDIT.

Overseer to  
deliver  
receipts.

SEC. 23. The Overseer must deliver the road tax receipts, filled out with the name of the person owing the taxes, to

the purchaser of property at such sale, or to whatever person may pay the tax; the receipt, as delivered, shall be conclusive evidence of credit to said amount.

NAME AND RESIDENCE—REFUSAL TO GIVE.

SEC. 24. Every person who, when requested by the Overseer, willfully refuses to give such Overseer his name, or the true name and residence of each man in his employment or under his supervision or control, in any way subject to road poll tax, or willfully refuses to give such Overseer access to the building or place where such men are employed, is guilty of a misdemeanor.

TAX TO BE LEVIED.

SEC. 25. The annual property tax for road purposes must be levied by the Board of Supervisors at their session when the tax is levied by them for county purposes, and must not exceed thirty cents on each one hundred dollars in value of taxable property. This property tax, when levied, must be annually assessed and collected by the same officers and in the same manner as the other State and county taxes are levied, assessed, and collected, and turned over to the County Treasurer, to be kept in a separate fund for the use of the road districts from which it is respectively collected.

TAX SET APART.

SEC. 26. From the property road tax collected from all sources, the Board of Supervisors may annually set apart a sum, not exceeding twenty per cent. of the aggregate, for general county road purposes, from which they may direct such costs to be paid as may be found necessary for such purposes. The object of the appropriation must be specified in each order made therefor. The Board shall have no power to create a debt on any road district in excess of ten per cent. on the estimated amount of the tax receipts from the said district for the next ensuing year.

CLERK—DUTIES OF.

SEC. 27. The Clerk of the Board of Supervisors must, before the first Monday in February in each year, cause to be printed a sufficient number, respectively, of three and four dollar blank road poll tax receipts, for the use of the Road Overseers and Tax Collector of the county, and must, before the first Monday in February in each year, sign the three dollar receipts, and upon demand deliver to each Road Overseer the number thereof required in his district, charging him with the same and taking his receipt therefor, and shall, before the first Monday in January in each year, sign the four dollar receipts and deliver them to the Tax Collector in the same manner as the three dollar receipts herein provided for. The style of such blank receipts shall be changed each year.

## ASSESSOR—DUTIES OF.

Assessor;  
duties of.

SEC. 28. The County Assessor shall furnish, on or before the first Monday of October in each year, to the County Treasurer and the Board of Supervisors, a list containing the assessed value of property in each road district subject to road tax.

## PETITION—WHAT TO CONTAIN.

Petitions to  
contain.

SEC. 29. Any ten resident property taxpayers of a road district may petition, in writing, to the Board of Supervisors, to lay out a new road, or to alter or discontinue any road in said district. The petition must set forth and describe particularly the road to be constructed, altered, or discontinued, and the general route thereof, the estimated length, over what lands, and who the owners thereof are, the nature and value of any improvements through which the road will pass, whether the owners of the land consent to the construction, alteration, or discontinuance of the proposed road, and if not, the probable cost of the right of way, the necessity for and the advantages of the proposed construction, alteration, or discontinuance.

## BOND TO ACCOMPANY PETITION.

Petitioners  
to give bond.

SEC. 30. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the Board of Supervisors, in double the amount of probable cost of the viewing, and laying out or altering of any road, conditional that the bondsmen will pay all the costs of viewing and surveying in case the prayer is not granted and the road finally not opened.

## VIEWERS—HOW APPOINTED.

Viewers;  
how ap-  
pointed.

SEC. 31. Upon filing such petition and bond, the Board of Supervisors may, in their discretion, appoint three Viewers, one of whom must be a surveyor, to view and survey any proposed opening of a new road, or alteration or discontinuance of an old road, said survey to be made in accordance with the description in the petition; and it shall be the duty of said Viewers to submit to the Board of Supervisors an estimate of the cost of the proposed construction, alteration, or discontinuance, including the purchase of the right of way, and their views of the necessity for the proposed construction or change of road.

## VIEWERS—DUTIES OF.

Viewers;  
duties of.

SEC. 32. The Road Viewers must be disinterested citizens of the county, but not petitioners. They must be sworn to discharge their duties faithfully; must view and lay out the proposed new road or alteration; must ascertain whether the owners of the land consent to the construction or or

alteration of the proposed road, and the amount of damages, if any, they claim for the right of way; must estimate the actual damage to any lands over which it passes, and the cost of any bridges or grading necessary; the necessity for and public convenience to be subserved by the road, and whether the opening thereof, or the change therein proposed, should be had.

VIEWS—REPORT OF.

SEC. 33. When the view and survey of the proposed alteration or new road is completed, the Viewers must report to the Board of Supervisors: Viewers must report.

*First*—The course, termini, length, and cost of construction of the proposed road.

*Second*—The estimate of damage to the owner of any land over which it is proposed to run the road.

*Third*—The names of land owners who consent to give the right of way, and their written consent thereto; signing petition shall be considered a written consent to the right of way.

*Fourth*—The names of land owners who do not consent, and the amount of damage claimed by each.

*Fifth*—Such other facts bearing upon the subject of importance to be known by the Board of Supervisors.

VIEWS, REPORT OF—APPROVED.

SEC. 34. No report of Viewers must, by the Board of Supervisors, be approved, which, without the consent of the owner and occupant, would have the effect to open a road: Consent of owner and occupant necessary.

*First*—Through an orchard of five years' growth.

*Second*—Through a garden or yard four years cultivated.

*Third*—Through buildings, or fixtures, or erections for the purpose of residence, trade, or manufacture.

*Fourth*—Through inclosures necessary for the use or enjoyment of the buildings, fixtures, or erections; or,

*Fifth*—Through inclosed or improved lands, unless the Board of Supervisors are satisfied, from personal examination and observation, or from the sworn statement of at least five residents of the road district, and that the opening of such premises is a necessity, a great benefit, or a great convenience to a moiety of the inhabitants of the district.

VIEWS—PAY OF.

SEC. 35. The Viewers must be paid three dollars each per day for their services, out of the Road Fund of the district through which the road passes, and the surveyor his legal fees for running out and mapping the road and making the plot; and field notes must be filed, when required, before he receives his compensation. Compensation of Viewers and surveyor.

## VIEWERS, REPORT OF—DAY FOR HEARING.

Supervisors  
to fix day for  
hearing, and  
give notice.

SEC. 36. The Board of Supervisors must, on the coming in of the report, fix a day for hearing the same, and notify the owners of land not consenting to give the right of way of the hearing, by having written notices served upon them personally, or upon the occupant or agent of the owner; or, if neither, by posting notice at the most conspicuous place on the land, or left at the owner's, agent's, or occupant's residence ten days prior to the day fixed, or to which it may be postponed or adjourned; hear evidence and proof from all parties interested for and against the proposed alterations or new road; ascertain and by order declare the amount of damage awarded to each non-consenting land owner, and declare the report of the Viewers to be approved or rejected.

## HIGHWAY—DECLARED BY SUPT.—PUBLIC.

Road de-  
clared open;  
damages  
awarded.

SEC. 37. If the Board approve the report, and there are no non-consenting land owners, the road must, by order, be declared a public highway, and the Road Overseer ordered to open the same to the public. If there are non-consenting land owners, the Board must appropriate from the Road Fund of the district, and cause the Road Overseer to tender, in writing, to each non-consenting land owner the award for damages made by the Board. If the awards are all accepted, the road must be declared a public highway, and be opened as before provided.

## RIGHT OF WAY—HOW CONDEMNED.

Proceedings  
to procure  
right of way.

SEC. 38. If any award of damages is rejected by the land owners, the Board must, by order, direct proceedings to procure the right of way to be instituted by the District Attorney of the county, under and as provided in Title Seven, Part Three, of the Code of Civil Procedure, against all non-accepting land owners, and when, thereunder, the right of way is procured, the road must be declared a public highway, and opened as hereinbefore provided. But if any non-consenting land owner does not recover a greater amount of damages than shall have been allowed him by the Board of Supervisors, then he shall pay all costs and expenses incurred by the reason of any suit or other proceedings instituted in the matter.

## AWARDS—HOW PAID.

Awards.

SEC. 39. All awards, under the provisions of this Act, must be paid on the order of the Board of Supervisors, out of the Road Funds of the district or districts, proportionately, through which the road runs.

HIGHWAYS—WIDTH OF.

SEC. 40. All public highways must be at least thirty-three feet wide, except those now existing of a less width. Width of highways.

PRIVATE ROADS.

SEC. 41. Private or by-roads may be opened for the convenience of one or more residents of any road district in the same manner as public roads are opened, whenever the Board of Supervisors may, for like cause, order the same to be viewed and opened; the persons for whose benefit the same is required paying the damages awarded to land owners and and keeping the same in repair. Manner of opening private roads.

HIGHWAYS BY LIMITATION.

SEC. 42. In all cases where consent to use the right of way for a highway for five years' general use, or is voluntarily given, purchased, or condemned and paid for, either an instrument in writing conveying the right of way and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the order of the Board of Supervisors declaring it a highway by statute of limitation, or of the decree of the Court condemning the same, must be made, filed, and recorded in the office of the Recorder of the county, in which the lands so conveyed or condemned must be particularly described. Papers to be filed with Recorder.

HIGHWAY CROSSING RAILROADS, CANALS, AND DITCHES.

SEC. 43. Whenever highways are laid out to cross roads, canals, or ditches, the owners or corporations using the same must, at their own expense, so prepare their roads, canals, or ditches that the public highway may cross the same without danger or delay, and when the right of way for a public highway (through the judgment of any Court) is obtained over any railroad, canal, or ditch, no damages must be awarded for the simple right to cross the same. Prepare roads at owner's expense.

HIGHWAYS—NOTICE TO REMOVE FENCES FROM.

SEC. 44. When the alteration of an old road, or the opening of a new road, makes it necessary to remove fences or other obstruction on lands given, purchased, or condemned by order of a Court, for road or highway purposes, notice to remove the fence or other obstruction must be given by the Road Overseer to the owner, his occupant or agent, and if the same be not removed before the expiration of ten days after said notice, the Road Overseer may cause it to be carefully removed at the expense of the owner, and recover of him the costs of such removal. Fences to be removed.

## BRIDGES—MAINTAINED BY WHOM.

Bridges  
maintained.

SEC. 45. All public bridges not otherwise specially provided for are maintained by the road district in which they are situated, and the districts which they unite.

## BRIDGES, COST OF—HOW PAID.

Bridge tax.

SEC. 46. Whenever it appears to the Board of Supervisors that any road district is or would be unreasonably burdened by the expense of construction, maintenance, and repair of any bridge, they may, in their discretion, cause a portion of the aggregate cost or expense to be paid out of the General Road Fund of the county, or out of the General County Fund, or both; or they may cause a special bridge tax to be levied therefor, not exceeding one-fourth or one per cent. on the taxable property of the county, annually, until the amount appropriated in aid is raised and paid.

BRIDGES BETWEEN CITIES AND TOWNS—BY WHOM CON-  
STRUCTED.Power of  
Supervisors.

SEC. 47. Bridges crossing the line between cities or towns and road districts must be constructed by the cities or towns and the Road Fund of the road districts into which said bridges reach, proportionately; *provided*, that the Board of Supervisors may order the whole expense paid for repairing or constructing said bridges out of the General Road Fund of the county.

## BRIDGES BUILT BY LOWEST BIDDER.

Repaired by  
order of  
Supervisors.

SEC. 48. No bridge, the cost, construction, or repairs of which will exceed the sum of three hundred dollars, shall be constructed or repaired except on the order of the Board of Supervisors, and when such construction or repairs is so ordered a contract therefor must be let out to the lowest responsible bidder, after such notice given as shall be prescribed by order of the Board of Supervisors.

## BRIDGES—OVERSEER TO REPAIR.

Pro rata  
compensa-  
tion for  
repairs.

SEC. 49. If the Road Overseer of one road district, after five days' notice from the Overseer of an adjoining district to aid in the repair of a bridge in which each is interested, fails so to aid, the one giving notice may make the necessary repairs, and must be allowed a pro rata compensation therefor, by the Board of Supervisors, out of the Road Fund of the defaulting district.

## BRIDGE—FREEHOLDERS MAY PETITION FOR.

Petition  
Supervisors.

SEC. 50. When a bridge, the cost of which will exceed three hundred dollars, is necessary, five or more freeholders



of the road districts interested therein may petition the Board of Supervisors for the erection of such needed bridge, and if the Board deem the same necessary, must, therefore, advertise such application, give the location and other facts, for two weeks in a newspaper printed in the county; if none, then by posters, one at the proposed location, one at the Court-house, and one at some other public place in the county, and notify the Overseer to attend at a certain time and place to hear the application.

BRIDGE—SUPERVISORS TO DETERMINE IF NECESSARY.

SEC. 51. On the day fixed to hear the application, proof of the notice given being satisfactory, the Board must hear the petition, examine witnesses, and determine whether or not a bridge is necessary as petitioned for. If found to be so, the Board must determine the character of bridge to be constructed, prepare plans and specifications, invite bids, let the contract, and have the same erected, and provide the payment therefor, as herein provided.

Board to erect and provide for payment.

BRIDGES—OVERSEER TO GIVE ACCOUNT OF.

SEC. 52. Road Overseers must, in their official reports, give a full account of all bridges of which they have, in whole or in part, the charge of and maintenance, those constructed or repaired, and the cost thereof, the amounts expended thereon, from what source derived, and the present and prospective condition thereof.

Account of bridges.

SUPERVISOR'S DISTRICT—WHAT RESPONSIBLE FOR.

SEC. 53. Each Supervisor District is responsible for providing, and keeping passable and in good condition and repair, bridges on all public highways.

Supervisor District responsible.

HIGHWAYS ENCROACHED UPON—DUTIES OF OVERSEERS.

SEC. 54. If any highway, duly laid out or erected, is encroached upon by fences, buildings, or otherwise, the Road Overseer of the district may, orally or in writing, require the encroachment to be removed from the highway.

Removal of encroachments.

NOTICE—HOW GIVEN.

SEC. 55. Notice must be given to the occupant or owner of the land, or person causing or owning the encroachment, or left at his place of residence, if he resides in the county, if not, it must be posted on the encroachment, specifying the breadth of the highway, the place and extent of the encroachment, requiring him to remove the same within ten days.

Notice of encroachment.

## HIGHWAYS—PENALTY FOR ENCROACHING ON.

Overseer  
must remove  
encroach-  
ment.

SEC. 56. If the encroachment is not removed, or its removal diligently prosecuted, prior to the expiration of ten days from the service or posting of the notice, the one who caused, or owns, or controls the encroachment, forfeits ten dollars for each day the same continues unremoved. If the encroachment is such as to effectually obstruct and prevent the use of the road for vehicles, the Overseer must forthwith remove the same.

## HIGHWAY—OBSTRUCTION, HOW REMOVED FROM.

Overseer to  
commence  
action.

SEC. 57. If the encroachment is denied, and the owner, occupant, or person controlling the matter or thing charged with being an encroachment, refuse either to remove or permit the removal thereof, the Road Overseer must commence, in the proper Court, an action to abate the same as a nuisance; and if he recovers judgment, he may, in addition to having the same abated, recover ten dollars for every day such nuisance remained after notice, and also his costs, in an action for that purpose.

## HIGHWAY—OVERSEER TO REMOVE OBSTRUCTION FROM.

Overseer to  
remove  
obstruction.

SEC. 58. If the encroachment is not denied, but is not removed for five days after the notice is complete, the Road Overseer may remove the same at the expense of the owner, occupant, or person controlling the same, and recover his costs and expenses; as also for each day the same remained after notice was complete the sum of ten dollars, in an action for that purpose.

## HIGHWAY—DITCHES TO BE BRIDGED ACROSS.

Bridging  
ditches.

SEC. 59. All persons excavating irrigating ditches across the public highways are required to bridge said ditches, at such crossings, and upon neglect to do so the Overseer of Highways for that road district shall construct the same and recover cost of construction of said persons, by an action at law, in his official name, before any Court of competent jurisdiction.

## HIGHWAY—IRRIGATOR TO PAY DAMAGES CAUSED BY OVERFLOW ON.

Repair  
damages.

SEC. 60. All persons who shall be irrigating lands, and shall permit the waste water to overflow the highways, shall, upon notification by the Overseer of Highways, repair the damages occasioned by such overflow, and upon his neglect to do so forthwith the Overseer of the district shall make such repair and recover the expense thereof against such person or corporation, by an action at law, as provided in the previous section.

HIGHWAY, NO GATES ALLOWED ACROSS—WHEN.

SEC. 61. No gates must be allowed on any public highway duly laid out, except on highways running through lands subject to overflow to such extent as to remove the fence. Where so allowed they must be erected and maintained at the expense of the owner or occupant at whose request or for whose benefit they were erected. If such expense is not paid, the gate must be removed as an obstruction. Gates not allowed.

HIGHWAY—GATE NOT TO BE LEFT OPEN ON.

SEC. 62. Any one who leaves open such gate, or willfully or unnecessarily rides over such ground adjoining the road on which such gate is erected, forfeits to the injured party treble damages. Forfeiture of damages.

HIGHWAY—PENALTY FOR OBSTRUCTION OF.

SEC. 63. Whoever obstructs or injures any highway, or obstructs or diverts any water-course thereon, is liable to a penalty of five dollars for each day such obstruction or injury remains, and must be punished as provided in section five hundred and eighty-three of the Penal Code. Obstructing highways; how punished.

HIGHWAY—PENALTY FOR REMOVING MILE-STONE FROM.

SEC. 64. Whoever removes or injures any mile-boards, or mile-stones, or guide-posts, or any inscriptions on such, erected on any highway, is liable to a penalty of ten dollars for every such offense, and punishable as is provided in section five hundred and ninety of the Penal Code. Injury to mile-boards; penalty.

HIGHWAY—NOTICE OF OBSTRUCTION GIVEN TO OWNERS OF LAND ON.

SEC. 65. Any person may notify the occupant or owner of land from which a tree or other obstruction has fallen upon any highways to remove such tree or obstruction forthwith. If not so removed, the owner or occupant is liable to a penalty of one dollar for each day thereafter until it is removed, and the cost of the removal. Notice to person obstructing.

HIGHWAY—PENALTY FOR FELLING TREES ACROSS.

SEC. 66. Whoever cuts down a tree, so that it falls into any highway, must forthwith remove the same, and is liable to a penalty of five dollars for every day the same remains in such highway. Felling trees across roads; penalty.

BRIDGES—OVERSEER MAY POST NOTICE OF FINE ON.

SEC. 67. Road Overseers may put upon bridges under their charge notice that it is five dollars fine for riding or Notice of fine.

driving on this bridge faster than a walk. Whoever thereafter rides or drives faster than a walk on such bridge is liable to pay a fine of five dollars for each offense.

#### HIGHWAY—PENALTY FOR CUTTING SHADE TREES ON.

Trees not to  
be cut down.

SEC. 68. Whoever digs up, cut down, or otherwise injures or destroys any shade or ornamental tree (unless the same may be deemed an obstruction by the Road Overseer, and removed under his direction), planted or standing in any highway, forfeits twenty-five dollars for each tree.

#### PENALTIES AND FORFEITURE—HOW RECOVERED.

Penalties  
and forfeit-  
ures to credit  
of road  
districts.

SEC. 69. All penalties and forfeitures given in this Chapter, and not otherwise provided for, must be sued for and recovered by the Commissioner of Highways, or Road Overseers of the respective road districts, and, when so recovered, shall be placed in the county treasury to the credit of the several road districts.

SEC. 70. All Acts or parts of Acts in conflict with or contravening the provisions of this Act are hereby repealed.

SEC. 71. This Act shall take effect from and after its passage.

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CHAP. CCCCLXIV.—[See volume of *Amendments to the Codes.*]

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CHAP. CCCCLXV.—[See volume of *Amendments to the Codes.*]

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CHAP. CCCCLXVI.—[See volume of *Amendments to the Codes.*]

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CHAP. CCCCLXVII.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCLXVIII.—*An Act to provide for the payment of John Sutherland, Jr., for his services rendered in destroying the Vasquez banditti.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The sum of three hundred dollars is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, to pay John Sutherland, Jr., for his services rendered in destroying the Vasquez banditti, and the Controller of State is hereby directed to draw his warrant in favor of said Sutherland for said sum, and the Treasurer of State is hereby directed to pay said warrant out of said money.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCLXIX.—*An Act to provide for the liquidation and payment of the indebtedness of North Butte School District, in the County of Sutter.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The School Trustees of North Butte School District, in the County of Sutter, are hereby authorized and directed to levy, without an election, a special tax upon all the taxable property of said school district, for the payment of the indebtedness of said school district, not exceeding the sum of six hundred dollars, in gold coin, exclusive of the expenses of collection.

SEC. 2. Within sixty days after the passage of this Act, the Trustees of said North Butte School District shall call a special election for the purpose of electing a District Assessor and Collector. At least ten days' notice shall be given of such election, by posting notices in at least three public places in said district. Such notices must specify the time and place of holding the election, and the purposes for which it is to be held. The Trustees must appoint three Judges to conduct said election. At such election the ballots must contain the name of one person as Assessor, and one as Collector, and the same person may be elected to both offices. The officers of the election must certify the names of the persons having the plurality of votes for Assessor and Collector, and the Trustees must issue certificates of election to such persons. The Assessor and Collector shall give bonds in such amount as the Board of Trustees may deem necessary, and shall receive for services such compensation as the

Board of Trustees may allow, and be paid out of the money collected.

Assessment.

SEC. 3. The Assessor, on receiving his certificate of election, must forthwith assess, in the manner provided for County Assessors, all the taxable persons and property in the district, and within thirty days return his roll, footed up, to the Trustees.

Trustees as  
Board of  
Equaliza-  
tion.

SEC. 4. The Trustees, upon receiving the assessment roll from the Assessor, must give five days' notice thereof, by posting a notice in three public places in the district, and sit for at least two days as a Board of Equalization, at such time and place as has been named in such posted notices, and they shall have the same power as County Boards of Equalization to make any changes in the assessment roll.

Rate of tax,  
and manner  
of collecting

SEC. 5. Said Trustees must determine the rate of taxation necessary to raise said sum of six hundred dollars, and the rate so ascertained (using the full cent on each hundred dollars in place of any fraction) is hereby levied and assessed to, on, or against the persons or property named or described in the roll, and is a lien on all such property until the tax is paid. The Trustees must place the tax list in the hands of the Collector, who must then proceed to collect the tax, to pay the moneys so collected to the Treasurer of Sutter County, and within sixty days return the roll to the Trustees, with the word paid marked opposite the name of each person or description of property from whom or on which he has received the tax; and he must also, at the same time, file with the Trustees the County Treasurer's receipt for all the money by him collected, and the persons and property on the roll not by the Collector marked "paid" are delinquent.

Delinquent  
tax; how  
collected.

SEC. 6. If any portion of said tax shall become delinquent, the delinquent list thereof, duly certified by said Collector, shall be delivered to the District Attorney of Sutter County, who shall proceed to collect the same under and in accordance with the provisions of the Political Code providing for the collection of delinquent district school taxes by that office.

SEC. 7. This Act shall take effect from and after its passage.

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CHAP. CCCCLXX.—*An Act to organize a levee district in Yuba, Sutter, and Placer Counties, and to provide for the construction, maintenance, and repair of levees therein.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Name of  
district.

SECTION 1. The territory included within the boundaries described in section two of this Act is hereby set apart and

erected into a levee district, to be known and designated as the Bear River District Number One.

SEC. 2. The boundaries of said district shall be as follows, Boundaries.  
to wit: Beginning at the boundary of Yuba and Sutter Counties, on the west line of section nine of the Johnson grant; thence northerly along said section line to the northwest corner of the southwest quarter of said section nine; thence easterly through the center of sections nine, twelve, seventeen, twenty, and twenty-five, to the northeast corner of southeast quarter of section twenty-five; thence southerly along the east line of said section twenty-five to the center of the channel of old Bear River; thence down the middle of said channel to the point where the new channel of Bear River diverges from the old channel of said river; thence down the middle of said new channel to the place of beginning, excepting all that portion of the Town of Wheatland lying within the above named boundaries.

SEC. 3. W. O. Armstead, D. P. Durst, and P. S. Larabee are authorized and required to call a special election, to be held at such place in said district as may be selected by said parties, for the election of three Directors, one Assessor, and one Tax Collector, whose terms of office shall be two years, and until their successors are elected and qualified. Said election to be called by posting notices in three of the most public places in said district, for at least five days, naming the time and the place of holding the same, and shall in all respects, as near as practicable, be conducted in conformity to the general election laws of this State. The officers of such election, after counting the votes, shall make and deliver certificates of election to the persons elected, who, before entering on the discharge of their duties, shall take an oath of office. The Directors so elected shall meet within ten days after their election, and appoint one of their number Clerk, and shall, every two years thereafter, or whenever a vacancy occurs, call an election of the qualified electors of the district, in the manner and for the election of the several officers in this section named. Electing officers; manner.

SEC. 4. The Assessor and Tax Collector shall have, while in the discharge of their duties, all the powers and authority given by law to County Assessors and Tax Collectors, and shall give bonds for the faithful discharge of their duties, as the Board of Directors may require. Assessor and Tax Collector to give bonds; powers.

SEC. 5. It shall be the duty of the Board of Directors to cause the District Assessor to assess, at such time as they may determine, all the property in said levee district, and in making such assessment such Assessor shall assess the value of such real estate and personal property, placing the same in distinct and separate columns in the assessment roll prepared by him. Assessment.

SEC. 6. As soon as the assessment roll shall have been completed, as above set forth, the Assessor shall deliver the same to the Board of Directors, who shall forthwith give notice by posting at least five days' notice in three of the most public places in said district, that said special assessment roll for Bear River District Number One has been Directors to sit as Board of Equalization.

completed and is in their possession and open for examination, and that the Directors of said district will sit as a Board of Equalization, commencing upon a day to be named in the notice, and will continue from day to day until said equalization shall have been completed, and will hear and determine all complaints as regards valuation and assessments thereon; *provided*, that said equalization shall be completed within five days.

Powers of Board.

Duties of Clerk and Tax Collector.

SEC. 7. The Board of Directors, while sitting as a Board of Equalization, shall have power to determine all complaints and objections to valuations and assessments that may come before them, and shall have power to change any valuation and assessment as may seem to them just and proper, and its decisions shall be final. The Clerk shall note all alterations in valuations or assessments, and within ten days after the close of the session, shall have the total values, as finally equalized by the Board, extended into columns and added up, and deliver the same to the District Tax Collector of said district, who shall give notice that said taxes are due and payable at his office or place of residence, and that if not paid on or before the first Monday of January next succeeding, the same shall become delinquent, and shall be collected under the same laws, rules, and regulations as applied to delinquent State and county taxes, said Collector being hereby invested with all and the same powers to make collection of taxes by sale and conveyance of real estate as is, or shall hereafter be, conferred upon Collectors for the collection of State and county taxes.

How paid out.

SEC. 8. The taxes levied under and by virtue of this Act shall be paid out by the Tax Collector of the district upon warrants drawn by the Board of Directors of said district.

Board to meet, when; powers, etc.

SEC. 9. The Board of Directors shall meet annually, on the third Monday in May, and shall have power to levy a tax sufficient for levy purposes, which shall not exceed the sum of four per cent. on all taxable property in said district. They shall, also, as soon as practicable, adopt a mode of leveeing and protection from overflow, and after ten days' notice, by advertisement in a newspaper printed nearest to said district, or by posting notices in three of the most public places in the district, let the work, either in sections or as a whole, to such bidder or bidders as they shall deem the most advantageous for the district, or they may reject any and all bids and readvertise for proposals as before.

Contractors to give bond.

SEC. 10. Any person or persons, to whom a contract may be awarded, shall enter into bond, with good and sufficient sureties, to be approved by the Board of Directors of said district, payable to the State of California, for the use of said district, for double the amount of the contract price, conditioned for the faithful performance of said contract.

Work; how paid for.

SEC. 11. When any section or specified portion of the work under contract shall have been completed, and such work has been approved by the Board of Directors as being in accordance with the terms of the contract, said Board may draw its warrant on the Tax Collector of the district for the amount due on the contract.



SEC. 12. The Assessor and Collector shall be allowed for <sup>Salaries.</sup> their services a sum to be fixed by the Board of Directors, not to exceed four dollars per day for each day necessarily employed in the discharge of their duties. The Board of Directors shall be allowed a sum, to be agreed upon by themselves, not to exceed three dollars per day each for every day necessarily employed. All accounts for services rendered, or for repairs, improvements, and expenditures, shall be paid on warrants drawn by the Board of Directors on the Tax Collector.

SEC. 13. A majority of the Board of Directors shall constitute a quorum for the transaction of business imposed upon them by this Act. <sup>Majority a quorum</sup>

SEC. 14. The Clerk of the Board shall keep a full, true, and accurate record of all acts, orders, allowances, and proceedings of said Board, and preserve all bids, contracts, and papers, and deliver the same, with all records of the Board, to his successor in office. <sup>Clerk to keep record.</sup>

SEC. 15. The Board of Directors shall have the general supervision of all works, repairs, and improvements. <sup>Powers of Directors.</sup>

SEC. 16. This Act shall take effect from and after its passage.

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CHAP. CCCCLXXI.—*An Act to amend an Act entitled an Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city, approved March ninth, A. D. one thousand eight hundred and seventy-six.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section four of the Act entitled an Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city, approved March ninth, A. D. one thousand eight hundred and seventy-six, is hereby amended so as to read as follows: Section 4. The Board of Education shall have power, in case of emergency, to employ such clerical assistance as in their judgment may be necessary, at a cost not to exceed seventy-five dollars per month, and for such time only as the good of the department shall require. <sup>To employ clerical assistance.</sup>

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXII.—*An Act to provide for the relief of schools in the flooded districts.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Not to be  
deprived of  
school  
moneys.

SECTION 1. No school district that shall have been prevented by the flood of eighteen hundred and seventy-eight from complying with the provisions of section one thousand eight hundred and fifty-nine of the Political Code shall be deprived of the apportionments of State or county school moneys for the school year commencing July first, eighteen hundred and seventy-eight, and ending June thirtieth, eighteen hundred and seventy-nine.

CHAP. CCCCLXXIII.—*An Act fixing the pay of Supervisors in the County of Alameda.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Pay of  
Supervisors.

SECTION 1. The pay of the members of the Board of Supervisors in the County of Alameda is as follows: For each day's service on the Board of Supervisors, six dollars, and the necessary expenses in traveling to and from the county seat of the county; and for each day's service on committee duty, in connection with and by order of the Board, six dollars, and the necessary expenses incurred in traveling back and forth in the performance of the duties thereof; and the same shall be paid monthly; *provided*, on the day of its sessions said Board shall not perform any committee duty.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXIV.—*An Act entitled an Act to legalize and make valid copies of certain records of the County of Monterey.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Records  
made valid.

SECTION 1. The duplicate or copy of Book G of Deeds of the records of the County of Monterey, made, compared, and certified to as correct, by Jacob R. Lees, County Recorder of

said county, under the order of the Board of Supervisors of said county, which duplicate or copy is now deposited in the County Recorder's office of the said county, shall, on and after the passage of this Act, be deemed, considered, and received in evidence, with the same force and effect as if the same was the original Book G of the records of said county, and all the instruments therein copied and recorded, and all copies thereof duly certified or proved, shall have the same force and effect as other copies of the records of the office of said County Recorder.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXV.—*An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane, for the fiscal year ending June thirtieth, eighteen hundred and seventy-six.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of thirteen thousand four hundred and twenty dollars, payable out of the General Fund of the State treasury, is hereby appropriated to pay the deficiencies in the support and maintenance of the Napa State Asylum for the Insane, for the fiscal year ending June thirtieth, eighteen hundred and seventy-six. Amount appropriated.

SEC. 2. The Controller of State is hereby directed to draw his warrant in favor of the Board of Trustees of said Asylum for said sum. Controller to draw warrant.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCCLXXVI.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCLXXVII.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCLXXVIII.—*An Act concerning the fees of Justices of the Peace in and for the County of Yuba.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Section  
repealed.

SECTION 1. Section seventy-three of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy, is hereby repealed.

Fees of Jus-  
tices of the  
Peace.

SEC. 2. The provisions of section twenty-six of said Act are hereby made applicable to the fees of Justices of the Peace in and for the County of Yuba, except so far as the provisions of said section twenty-six prescribe specific fees for Justices of the Peace in certain counties therein named.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, in so far as they relate to fees of Justices of the Peace in and for the County of Yuba.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXIX.—*An Act for the relief of Colusa County.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Controller  
to allow  
County  
Treasurer  
to retain  
money.

SECTION 1. The Controller is hereby directed, in his adjustment of the next settlement with the Treasurer of Colusa County with the State, to allow the said County Treasurer, for and on behalf of the said county, to retain the sum of one thousand and thirty-one and thirty-six one-hundredths dollars, out of the State portion of the property tax, report at such settlement to reimburse Colusa County for moneys paid to the State of California as the State's portion of taxes erroneously collected from the Central Pacific Railroad Company, and subsequently, under the decision of the Supreme Court of this State, returned to said railroad company by said Colusa County, and for moneys expended by said Colusa County in defending on behalf of this State a certain action entitled the Central Pacific Railroad "vs." J. L. Howard, Tax Collector, in relation to said taxes.

SEC. 2. This Act will be in force from and after its passage.

CHAP. CCCCLXXX.—*An Act to amend an Act entitled an Act to establish a Political Code, in relation to elections.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section twelve hundred and twenty-five of said Code is amended so as to read as follows: Section twelve hundred and twenty-five. The person offering to vote must hand his ballot to the Inspector, or to one of the Judges acting as Inspector, and announce his name and the number affixed to it on the register in use at the precinct where he offers his vote; *provided*, that in incorporated cities and towns the said person shall also give the name of the street, avenue, or location of his residence, and the number thereof, if it be numbered, or such clear and definite description of the place of such residence as shall definitely fix the same. Manner of voting.

SEC. 2. Section twelve hundred and twenty-six of said Code is amended so as to read as follows: Section twelve hundred and twenty-six. The Inspector, or Judge acting as such, must receive the ballot, and before depositing it in the ballot-box, must, in an audible tone of voice, announce the name and register number; *provided*, that in incorporated towns and cities the said Inspector, or Judge acting as such, shall also announce the residence of the person voting, and the same shall be recorded on the poll list by the Poll Clerk. Duty of Inspector.

SEC. 3. Section twelve hundred and twenty-seven of said Code is amended so as to read as follows: Section twelve hundred and twenty-seven. If the name be found on the register in use at the precinct where the vote is offered, and the vote is not rejected upon a challenge taken, the Inspector, or Judge acting as such, must, in the presence of the Board of Election, place the ballot, without opening or examining the same, in the ballot-box; and no person shall be allowed to vote whose name is not on said register in use at the precinct. Ballot received.

SEC. 4. Section twelve hundred and twenty-eight of said Code is amended so as to read as follows: Section twelve hundred and twenty-eight. When the ballot has been placed in the box, one of the Judges must write the word "voted" opposite the number of the person on the register. Voted.

SEC. 5. Section ten hundred and ninety-four of said Code is amended so as to read as follows: Section ten hundred and ninety-four. There must be kept in the office of the County Clerk of each county a Great Register. Whenever deemed necessary, the Board of Supervisors of any county may, by order, require a re-registration of the voters of said county; which said order shall be published in at least one newspaper published in said county for not less than six months preceding the next ensuing general election. Such re-registration shall conform, in all respects, to the provisions of this Code concerning original registration, except County Clerk to keep Great Register.  
Re-registration.

that any person applying for re-registration shall be entitled thereto upon showing that his name was enrolled and uncanceled on the former Great Register.

Copy uncanceled entries.

Distribution of registers.

SEC. 6. Section eleven hundred and thirteen of said Code is amended so as to read as follows: Section eleven hundred and thirteen. Before the fifth day of August, in each year in which there shall be a general or Presidential election, each County Clerk must make a copy of the uncanceled entries existing on the Great Register on the preceding first day of August. The Board of Supervisors of any county may, by order, provide for the preparation and distribution of township or precinct registers for each township, instead of copies of the Great Register. For the purposes of registration and preparation of a new Great Register, or of township or precinct registers, and copies thereof, if ordered by the Board of Supervisors, the County Clerk must employ such assistants, and for such times and at such compensation, as shall, from time to time, be authorized by said Board, which shall be paid out of the county treasury. Such order may be repealed and reenacted as often as the Board of Supervisors may deem expedient.

Act; how construed.

SEC. 7. Nothing in this Act shall be so construed as to repeal, by implication, any special election or registration law applicable to the City and County of San Francisco alone, but this Act shall be so construed as if passed prior thereto.

#### CHAP. CCCCLXXXI.—*An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Commissioners appointed; who qualified.

SECTION 1. On or before the fifteenth day of May, A. D. eighteen hundred and seventy-eight, the Governor shall appoint three competent persons, one of whom shall be an expert of accounts, to be styled Bank Commissioners, who shall hold office for the period of four years, and until their successors are appointed and qualified; and no two Commissioners to be appointed under this Act shall be residents of the same county. The persons who are so appointed shall have no official connection with, nor be in the employ of any saving bank, or bank, or banking company, or banking society, nor shall they, during their term of office, own or be interested in the stock or other property thereof. Said Commissioners shall have their office in the City of San Francisco.

Must give bond.

SEC. 2. The Bank Commissioners, before entering upon the duties of their office, must each execute an official bond in the sum of twenty thousand dollars, and take the oath of office, all as prescribed by the Political Code for State officers in general.

SEC. 3. The duties of the Bank Commissioners shall be, within sixty days after their qualification, to prepare and furnish to every saving bank, bank, and banking company, incorporated under the laws of this State, or any other State or country, and doing business in this State, applying therefor in writing, a license, in the form to be prescribed by them, authorizing such corporations to use the name and to transact the business of a savings bank, bank, or banking company, for one year from the date of issuance thereof; *provided*, that such license may be issued at any time after said sixty days, subject to the disqualification mentioned in section seven of this Act; to receive and place on file in their office the semi-annual reports required to be made by savings banks, or banks, or banking corporations, by this Act; to prepare and furnish, on demand, to savings banks' officers, and the officers of banks, or banking corporations, blank forms for such statements or reports as may by law be required of them; to make, on or before the thirtieth day of June, in each year, a report to the Governor of this State, containing a tabular statement and synopsis of the several reports which have been filed in their office since their last report, and any other proceedings had or done by them under this Act, showing generally the condition of the savings bank, or banking business and interests in this State, and such other matters as, in their opinion, may be of interest to the public, with a detailed statement, verified by their oaths, of all moneys and fees of office received by them during the same period.

Duties.

Issue license.

Receive reports.

SEC. 4. It shall be the duty of one or more of the Bank Commissioners, as designated by the Commissioners, once in six months, and as often as in their judgment may be deemed necessary, without previous notice, to visit and to make personally a full examination of each bank, saving bank, saving and loan society, or other society, association, company, or institution incorporated under the laws of this State, or any other State or country, and doing business in this State, for the accumulation and investment of funds and savings, or any trust company receiving any valuable thing in trust, or money on special deposit, or any person publicly receiving money on deposit for safe keeping; to inspect all books, papers, notes, bonds, or evidence of debt of such corporations, and all securities; to ascertain the condition of every such corporation, its solvency, its ability to fulfill all its obligations, and report its condition to the Attorney-General as soon as may be after such examination.

Visit and examine banks.

SEC. 5. Such Commissioners must examine, under oath, any of the officers, agents, and servants of any such corporation or person, in relation to the affairs and condition of such corporation or person, and may administer such oath personally, and whoever shall neglect or refuse, after demand and notice thereof, and without justifiable cause, to appear, or testify under oath, before the said Commissioners in the discharge of their duties, shall be deemed guilty of a misdemeanor, and on conviction thereof be punished by a fine not exceeding five thousand dollars, or by imprisonment in

Power to examine officers.

Refusal to testify; penalty.

the County Jail not exceeding one year, or by both such fine and imprisonment.

Insolvent corporations; Commissioner to report.

SEC. 6. If any Bank Commissioner shall have knowledge of the insolvency or unsafe condition of any corporation mentioned in this Act, and shall neglect to report the same, in writing, to the Attorney-General, as required by this Act, he shall, on conviction thereof, be punished by a fine not exceeding ten thousand dollars nor less than five thousand dollars, or by imprisonment in the County Jail not less than one year nor more than two years, or by both such fine and imprisonment, and his office shall be declared vacant by the Governor, and a successor be appointed for the unexpired term.

Must procure license.

SEC. 7. No corporation shall, after the expiration of the time in that behalf limited by section three, use the name or transact the business of a savings bank, or bank, or banking corporation, without first procuring from the Bank Commissioners the license provided for by this Act; and any corporation violating this provision shall forfeit the sum of one hundred dollars per day during the continuance of the offense; and any person who enters upon, engages in, or carries on, or in any manner attends to the business or management of a savings bank, or bank, or bank corporation, doing business without a license, after the expiration of such time, whether as manager, principal, agent, officer, employé, or otherwise, shall forfeit the sum of one hundred dollars for every day he so enters upon, engages in, or carries on, or attends to such business; and any violation of this section is also hereby declared to be a misdemeanor.

License received on what condition.

SEC. 8. No savings bank shall receive the license in this Act provided for, unless at least fifty per cent. of all its loans shall be secured by first mortgage, or other prior lien, upon real estate situate within this State; such loans, at the date when made, hereafter, not to exceed sixty per cent. of the market value of the security, except when made for the purpose of facilitating the sale of property owned by the corporation. And it shall be unlawful for any savings and loan society, or savings bank, to purchase, invest, or loan its capital, or the money of its depositors, or any part of either, in mining shares or stocks. Any President or managing officer who knowingly consents to a violation of the above provision shall be deemed guilty of a felony.

Semi-annual reports.

SEC. 9. Every savings bank, or bank, or banking corporation, doing business in this State, if incorporated before the passage of this Act, shall, twice in every year, to wit, within thirty days after the expiration of its semi-annual fiscal term, and every savings bank, or bank, or banking corporation, hereafter to be incorporated, shall, twice in each year, to wit, on the twentieth day of January and the twentieth day of July, make a report, in writing, to the Bank Commissioners, verified by the oath of its President and Secretary, or Cashier, or its two principal officers; and the semi-annual fiscal term of the savings banks, or banks, or banking corporations, hereafter incorporated, shall expire on the last day of June and the last day of December,



in each year. Such report shall show the actual financial condition of the bank making such report, upon the thirtieth day of June and thirty-first day of December, of each year, by stating—

*First*—The amount of its capital stock, and the number of shares into which it is divided. Report to show.

*Second*—The names of its Directors, and the number of shares of stock held by each.

*Third*—The total amount actually paid, in coin, by stockholders for capital stock, and the total amount of reserve fund, if any.

*Fourth*—The total amount due to depositors.

*Fifth*—The total amount and character of any other liabilities it may have.

*Sixth*—The amount at which the lot and building, occupied by the bank for the transaction of its regular business, stands debited on its books, together with the market value of all other real estate held, whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the bank books; in what county situated, and in what name the title is vested, if not in the name of the corporation itself.

*Seventh*—The amount loaned on real estate, specifying the amount secured on real estate in each county separately; also, specifying the name of the person in whose name the property is held in trust, or as security, in case it is held in any name other than that of the savings bank, and when the instrument creating the security does not of itself disclose the name of the savings bank.

*Eighth*—The amount invested in bonds, designating each particular class, and the amount thereof.

*Ninth*—The amount loaned on stocks and bonds, designating each particular class, and the amount thereof.

*Tenth*—The amount of money loaned on other securities, with a particular designation of each class, and the amount loaned on each.

*Eleventh*—The actual amount of money on hand or deposited in any other bank or place, with the name of the place where deposited, and the amount in each place.

*Twelfth*—Any other property held or any amount of money loaned, deposited, invested, or placed, not otherwise herein enumerated, with the place where situate, and the value of such property, and the amount so loaned, deposited, or placed.

The oaths of the officers to the statements above required shall state that they, and each of them, have a personal knowledge of the matters therein contained, and that they believe every allegation, statement, matter, and thing therein contained is true; and any willfully false statement in the premises shall be perjury, and shall be punished as such.

SEC. 10. Any saving bank, or bank, or bank incorporation, failing to furnish to the Bank Commissioners the report required by this Act, within the time required herein, shall forfeit the sum of one hundred dollars per day during the time of such default. Penalty.

Proceedings  
against  
unsafe cor-  
porations.

SEC. 11. If such Commissioners, on examination of the affairs of any corporation mentioned in this Act, shall find that any of said corporations or persons have been guilty of violating its charter or law, or is conducting business in an unsafe manner, they shall, by an order addressed to the corporation so offending, direct discontinuance of such illegal and unsafe practices and a conformity with the requirements of its charter and of law, and with safety and security in its transactions; and if any of said corporations or persons shall refuse or neglect to comply with such order, or whenever it shall appear to these Commissioners that it is unsafe for any of the said corporations to continue to transact business, they shall communicate with the Attorney-General, who shall immediately commence suit in the proper Court against such corporation to enjoin and prohibit it from transacting any further business; and upon the hearing of the case, if the Judge of the Court where the case is tried shall be of the opinion that it is unsafe for the parties interested for such corporation or person to continue to transact business, and that such corporation or person is insolvent, he shall issue the injunction applied for by the said Commissioners, who shall cause said injunction to be served according to law; and he shall further direct said Commissioners to take such proceedings against such corporation or person as may be decided upon by its creditors.

Salary of  
Commissioners.

SEC. 12. The Bank Commissioners shall each receive a salary of three thousand dollars, and necessary traveling expenses, not to exceed five hundred dollars for each Commissioner per year, to be audited by the State Controller and paid by the State Treasurer in the same manner as the salaries of other State officers.

Report  
required.

SEC. 13. The Bank Commissioners shall make a general report of the business of their office to the Legislature, at each session, during the first week of the session.

Commissioners to  
appoint  
Clerk; office  
hours of.

SEC. 14. The Bank Commissioners shall have power to appoint a Clerk, at a salary of one hundred and fifty dollars per month. The said Commissioners shall keep their office open for business from nine o'clock A. M. until three o'clock P. M., every day except non-judicial days. They shall procure rooms necessary for their office, at a rent not to exceed seventy-five dollars per month, and may provide a safe and necessary furniture therefor, at an expense not exceeding five hundred dollars. They may also provide stationery, fuel, and other conveniences necessary for the transaction of duties, not exceeding in the aggregate the sum of two hundred dollars per annum. All expenditures authorized in this section shall be audited and paid in the same manner as the salary of the Commissioners.

Semi-annual  
report.

SEC. 15. The semi-annual reports provided for by this Act shall be filed and kept on file by the Bank Commissioners, in their office, and shall be open to the inspection of the public during their office hours.

Assessments  
against  
banks.

SEC. 16. To meet the annual expenses provided for by this Act, the Bank Commissioners shall receive in advance, in gold coin, from each savings bank, or bank, or banking

corporation applying for a license, its pro rata amount of the salaries, and all other necessary expenses of the Commissioners, such amount to be raised by an assessment on the amount of deposits of such bank. But in estimating the amount to be paid by each savings bank, bank, or banking corporation, on applying for its first license under this Act, the amount as shown by its last semi-annual statement, published for the information of its depositors, shall be taken as the amount on deposit with it. They shall receive, for furnishing copies of papers, statements, and reports filed in their office, twenty cents per folio of one hundred words, and for certifying copies, one dollar, to be paid for by the parties applying for the same. They shall pay to the State Treasurer every month, all such amounts received by them under the provisions of this Act, to be paid into the General Fund of the State. The Commissioners may recover the amounts assessed against said banks in the name of the people, and must pay the same to the State Treasurer as aforesaid.

SEC. 17. The Bank Commissioners shall keep proper books of record of all acts, matters, and things done by them under the provisions of this Act, which shall be open to the inspection of the public during their office hours. Commissioners to keep books.

SEC. 18. The Bank Commissioners may issue subpoenas for witnesses to attend and testify before them, on any examination by this Act authorized, which must be served, obeyed, and enforced as provided in the Code of Civil Procedure for civil cases; the Commissioners to issue attachments, and impose the penalty for disobedience, and the witnesses may be punished as provided in the Penal Code. Subpoenas to be issued.

SEC. 19. The Bank Commissioners may sue for and recover, in the name of the people, in any Court of competent jurisdiction, all sums of money which become due, payable, or forfeited by any of the provisions of this Act. Commissioners to recover money.

SEC. 20. The Commissioners shall, upon the expiration of their term of office, deliver to their successors, or if there be none, then to the Controller of State, all property, books, reports, and papers of every description pertaining to their office. Commissioners to deliver property.

SEC. 21. All Acts are hereby repealed in so far as they are inconsistent with the provisions of this Act.

SEC. 22. This Act shall take effect and be in force from and after the fifteenth day of May, A. D. eighteen hundred and seventy-eight.

CHAP. CCCCLXXXII.—*An Act for the preservation of fish in the waters of Lake Bigler.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Unlawful to catch fish; how and where.

SECTION 1. It shall not be lawful for any person or persons to catch or kill any fish in the waters of Lake Bigler, or in any stream leading into or from said Lake Bigler, with any seine, gill-net, spear, wire fence, basket, trap-set net, or dam, or any poisonous, deleterious, or stupefying drug or explosive compound, or any other implement or appliance, except by means of a hook and line.

Penalty.

SEC. 2. Any person or persons who shall violate any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace, in Placer County, El Dorado County, or Nevada County, shall be punished by a fine of not less than one hundred dollars nor more than five hundred, or by imprisonment in the County Jail not less than thirty days nor more than four months, or by both such fine and imprisonment, in the discretion of the Court, for each and every offense, besides the cost of prosecution.

Fines; how paid.

SEC. 3. The District Attorney, or his deputy, of El Dorado County, or of Placer County, or of Nevada County, whichever the informer may notify as within the District Attorney's jurisdiction, shall prosecute such suits, and, upon conviction, all fines, damages, and penalties that may be awarded or collected under this Act shall be paid one-half to the District Attorney and one-half to the informer, share and share alike; and it is hereby made the duty of the District Attorney, or his appointed deputy, of the Counties of Placer, El Dorado, and Nevada, to prosecute all cases arising under this Act.

SEC. 4. All Acts, and provisions of any Act or parts of Acts, conflicting with this Act, are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXXIII.—*An Act to provide for the distribution of school moneys in certain counties.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Moneys apportioned.

SECTION 1. The School Superintendents of the Counties of Inyo and Mono shall apportion the school moneys as follows:

*First*—He shall apportion five hundred dollars to each school district of not less than ten census children.

*Second*—After apportioning five hundred dollars to each school district of not less than ten census children, the excess of all school moneys remaining unapportioned shall be apportioned pro rata to the number of census children in each district; *provided*, that if there be an excess of money to a district or districts, such excess shall be redistributed pro rata to the census children of the other districts.

SEC. 2. This Act shall take effect and be in force from and after the first day of July, A. D. eighteen hundred and seventy-eight.

CCCCCLXXXIV.—*An Act giving a lien to loggers and laborers, employed in logging camps, upon the logs cut and hauled by the persons who employ them.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. A person who labors at cutting, hauling, rafting, or drawing logs or lumber, shall have a lien thereon for the amount due for his personal services, which shall take precedence of all other claims, to continue for thirty days after the logs or lumber arrive at the place of destination for sale or manufacture, except as hereinafter provided.

Labor with  
logs; lien  
upon.

SEC. 2. The lien hereby created shall cease and determine unless the claimant thereof shall, within twenty days from the time of such labor shall have been completed, file and record in the office of the County Recorder of the county where such labor was performed a verified claim, containing a statement:

Lien to  
cease; how  
and when.

*First*—Of his demand, after deducting all just credits and offsets.

*Second*—The time within which such labor was done.

*Third*—The name of the person or persons for which the same was done.

*Fourth*—The place where the logs or timber upon which such lien is claimed are believed to be situated, and the marks upon the same.

*Fifth*—The reputed owner thereof; and,

*Sixth*—The reputed owner of the land from which the same were cut and hauled.

SEC. 3. All liens herein provided for shall cease and determine, unless suit to foreclose the same shall be commenced in the proper Court within five days from the time the same are filed.

Suits to com-  
mence in  
proper  
Courts.

SEC. 4. The plaintiff in any such suit, at the time of issuing the summons, or at any time afterward, may have the logs or timber upon which such lien subsists attached, as further security for the payment of any judgment he may

Plaintiff to  
have lumber  
attached.

recover, unless defendant give him good and sufficient security to pay such judgment, in which event such logs shall be forthwith discharged by the Sheriff from such attachment, and from the lien hereby created.

Clerk to  
issue writ.

SEC. 5. The Clerk of the Court must issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff, showing:

*First*—That defendant is indebted to the plaintiff upon a demand for labor, for which his claim has been duly filed in accordance with section two of this Act.

*Second*—That the sum for which the attachment is asked is an actual bona fide existing debt, due and owing from the defendant to the plaintiff, and that the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor or creditors of the defendant.

Sheriff to  
attach logs

SEC. 6. The writ must be directed to the Sheriff of the county, and must require him to attach and safely keep the logs and timber specified in such lien, or so much thereof as may be sufficient to satisfy plaintiff's demand, unless the defendant give good and sufficient security, as provided in this Act, in which case to take such security and discharge any attachment he may have made, and to deliver up such logs to defendant, who shall receive the same free from the lien upon which such suit is brought.

Sections  
made ap-  
plicable.

SEC. 7. Sections five hundred and thirty-nine, eleven hundred and eighty-nine, eleven hundred and ninety-one, eleven hundred and ninety-seven, eleven hundred and ninety-eight, and eleven hundred and ninety-nine, of the Code of Civil Procedure, are hereby made applicable to this Act.

Attachment;  
how made.

SEC. 8. Such attachment shall be made by taking such logs into possession, and the Sheriff shall make an inventory and return of his proceedings as directed in Chapter Four, Title Seven, of the Code of Civil Procedure.

Where lien  
shall extend.

SEC. 9. The lien provided for by this Act shall in no case extend beyond the limits of the county in which the logs or timber in controversy were cut.

SEC. 10. This Act shall take effect and be in force from and after its passage.

#### CHAP. CCCCLXXXV.—*An Act providing for the payment of a claim for collecting delinquent purchases of school lands.*

[Approved March 30, 1878.]

Preamble.

WHEREAS, It appears from official records that F. E. Baker, the District Attorney of Yolo County, has collected delinquent purchases of State school lands, in said county, during the year eighteen hundred and seventy-six, amounting to the sum of sixteen hundred and twenty-four dollars; and whereas, his fees and commission therefor, established by law, amount to one hundred and sixty-two dollars and

forty cents; and whereas, the same has not been paid; now, therefore,

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of one hundred and sixty-two dollars and forty cents is hereby appropriated out of the State School Land Fund for the payment of said claim, and the State Controller is hereby authorized and directed to draw a warrant therefor in favor of said claimant. Appropriation.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXXVI.—*An Act to provide for the construction and repair of bridges in the County of Mendocino.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. For the purpose of providing means for the payment of the construction and repairs of bridges in the County of Mendocino, the Board of Supervisors of said county shall, in addition to the taxes already authorized by law, at the time of levying the State and county taxes for the fiscal year eighteen hundred and seventy-eight-nine, levy a special tax of thirty (30) cents, and for the fiscal year eighteen hundred and seventy-nine-eighty, ten cents on each one hundred dollars of the taxable property in said county, and may, in their discretion, annually thereafter, levy, in the same manner, a tax not to exceed ten (10) cents on each one hundred dollars of said taxable property. The special tax hereby authorized to be levied shall be assessed and collected as is or may be provided for by law for the collection of State and county taxes, and shall be paid into the county treasury by the Tax Collector and set apart as a special fund, to be known as the "Special Bridge Fund." Special tax to be levied.

SEC. 2. The Board of Supervisors are hereby authorized and directed to locate and construct two good and substantial bridges, of sufficient width and strength to admit the passage of heavy freighted teams and wagons: One across the south fork of Eel River, at the nearest practicable point to where the public road leading from Ukiah through Eiden Valley to Round Valley in said county now crosses said south fork of Eel River; the other across the middle fork of Eel River, at the nearest practicable point to where said road crosses said middle fork of Eel River, which said point of location shall be viewed out and designated by Viewers, as hereinafter provided. Said bridges shall be constructed upon such plans, and of such material, with substantial abutments, as the said Board of Supervisors shall determine; Supervisors to construct bridges.

*provided*, that said bridges, or either of them, shall only be constructed and paid for in the manner hereinafter provided; *and provided further*, that nothing in this Act shall authorize the said Board of Supervisors, or any of them, to construct, or be interested in anywise in the contract for construction of the said bridges, or either of them.

Viewers to be appointed; their duties and compensation.

SEC. 3. Before proceeding to the construction of the bridges, or either of them, authorized by this Act, the Board of Supervisors of said county shall, on the first day of the next regular meeting thereof after the passage of this Act, appoint three Viewers, at a compensation of three dollars per day, payable out of the General Road Fund of said county, who shall take an oath to faithfully perform all the duties imposed upon them by this Act, whose duty it shall be, immediately after their appointment, to proceed to view out the points of location of each of said bridges, and fix said points of location as directed by section two of this Act, and to obtain and report back to said Board of Supervisors during the then sitting of said Board, all necessary data and information as to width of stream, length and number of spans, kind of abutments, and such other facts as will fully inform said Board of Supervisors as to the kind, character, and quality of bridges necessary to be constructed across said south and middle forks of Eel River, at such points of location as will be of a permanent and substantial character, and said Viewers shall, in said report, designate the respective points of location of each of said bridges so viewed out and selected by them. Upon the presentation of the report of said Viewers, the Board of Supervisors shall proceed immediately to consider the same, and if it shall contain all necessary information upon the subject of the kind and character of the bridges to be constructed at said points of location, the said Board shall adopt said report, and the points of location designated in the report of said Viewers shall be the points of location of said bridges. Said report shall be filed with the Clerk of said Board.

Advertisement for proposals; bond required.

SEC. 4. As soon as the report of the Viewers provided for by the preceding section shall be adopted by said Board of Supervisors, they shall cause to be published, for at least thirty days, in some daily newspaper of general circulation in the City of San Francisco, and in some newspaper published and printed in the County of Mendocino, an advertisement inviting sealed proposals for the construction of said bridges, stating the time up to which proposals therefor will be received, and said advertisement shall state so much of the data as may be necessary to enable bidders to draft plans and specifications. Said proposals shall contain a bid for the construction of each of said bridges severally, according to plans and specifications to be furnished by the bidders respectively, which shall accompany their bids; and each of said bids shall be accompanied with a good and valid bond to the County of Mendocino, in the sum of five hundred dollars, with two sufficient sureties, conditioned that if the contract be awarded to such bidder, and he shall fail in any particular required of him to enter into and upon the



performance of such contract, that such failure shall work a forfeiture of such bond.

SEC. 5. On the first day of the next regular meeting of said Board after such advertisement, said Board of Supervisors shall, in public, open all proposals, and shall proceed to consider the same, in connection with the plans and specifications accompanying each, and shall award the contract for the construction of said bridges to the lowest responsible bidder or bidders, due regard being always had to the merits of the plan and specifications accompanying said bids; *provided*, that said Board may, in their discretion, reject any and all bids received; *and provided further*, that no party to whom a contract for building said bridges, or either of them, may have been awarded, shall have the right to sub-contract the work of building said bridges, or either of them, to any other person or persons, under penalty of a forfeiture of his or their bond.

SEC. 6. The person or persons to whom the contract for the construction of said bridges, or either of them, may be awarded, shall file a good and sufficient bond, with two or more sureties, in double the sum of their respective bids, to be approved by the Board of Supervisors of said county, having been first submitted to the inspection of the District Attorney of said county. Said bond shall be conditioned to the effect that said obligors will well and truly, and in a good and workmanlike manner, cause said bridges to be constructed and completed on or before the first day of November, eighteen hundred and seventy-eight, in accordance with the plans and specifications accompanying the respective proposals, as adopted by said Board of Supervisors.

SEC. 7. Whenever the Board of Supervisors shall be notified of the completion of said bridges, or either of them, they shall proceed to inspect the same, and if said bridges so inspected by them are found to be completed in accordance with the plans and specifications thereof, they shall be received by them, and upon the acceptance thereof, the said Board of Supervisors shall allow the accounts for the construction of said bridges, and the Auditor of said county shall draw his warrants in amounts from one hundred to five hundred dollars, as may be convenient, upon the Treasurer of said county, payable out of the "Special Bridge Fund" created by this Act; and all said warrants shall be treated as to payment by said Treasurer as provided by Article Three, of Chapter Three, of Title Two, of Part Four, of the Political Code.

SEC. 8. The said "Special Bridge Fund," created by the provisions of this Act, may, except as pledged by section one of this Act, be used by the said Board of Supervisors of said county, as provided by the provisions of Article Seven, of Chapter Two, of Title Six, of Part Three, of the Political Code.

SEC. 9. All Acts and parts of Acts, in so far as the same may conflict with the provisions of this Act, are hereby repealed.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXXVII.—*An Act to reestablish "Court-house School District," in the County of Sonoma.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

School district reestablished; boundaries of.

Board of Education, duties of; meetings.

SECTION 1. "Court-house School District," in the County of Sonoma, is hereby reestablished as a common school district, within the following described boundaries, to wit: Beginning at the northeast corner of Morgan's addition to the Town of Santa Rosa; and running thence westerly along the north line of said addition to the land of S. T. Coulter's; thence northerly to the southeast corner of the land of T. Jennings; thence west on the south line of Jennings' land to the land of T. N. Peugh; thence southerly along the east line of said land to the "Green Valley Road;" thence west along said road to the west line of the Rancho Cabeza de Santa Rosa; thence southerly along said line to the Sebastopol Road; thence easterly along said road to the northeast corner of the lands of John McMinn; thence southerly along McMinn's east line to the south line of the Rancho Cabeza de Santa Rosa; thence easterly along said line and deflecting so as to include the land formerly owned by W. B. Atterbury to the east line of the land formerly owned by J. J. Linville; thence along the eastern boundary of said land to the land of B. Hoen; thence so as to include the lands of B. Hoen to the southeast corner of the land of William Farmer; thence along said Farmer's east line to Santa Rosa Creek; thence down said creek to a point nearest the end of the old cemetery lane; thence to and along said lane to the most northern point of the land of M. L. McDonald; thence southerly along the western boundary of said land to the land of Henderson Wilson; thence along the northern and western boundary of said Wilson's land to the southeast corner of the land of J. Ridgeway; thence westerly to the place of beginning. The government of said school district shall be vested in a Board of Education, composed of five Directors, who shall be elected as follows, viz.: On the last Saturday in June, eighteen hundred and seventy-eight, there shall be elected, by the qualified voters of said district, five School Directors, three of whom shall hold their office for two years, and two for one year; and thereafter there shall be annually elected, on the last Saturday in June, alternately, two and three School Directors, to take the place of those whose terms have expired; the term of office to be in each case for two years and until their successors are elected and qualified. Said Board of Education shall meet and qualify within ten days after their election is duly ascertained and

declared, and after qualifying, as provided in the revised school law of the State of California, shall elect from their number a President and a Secretary, and shall hold meetings monthly thereafter, and at such other times as the Board may determine. A majority of all the members elect shall constitute a quorum to transact business, but a less number may adjourn from time to time. The Board may determine the rules of its proceedings. Its sessions shall be public, and its records shall lie open to public inspection. The Board shall also have power to fill all vacancies occurring in the Board until the then next ensuing annual election. The corporate name by which said school district shall sue or be sued shall be "The Board of Education of Court-house School District."

SEC. 2. The said Board of Education shall have sole power: Power of Board of Education.

*First*—To establish and maintain public schools, and to establish school districts, and to fix and alter the boundaries thereof.

*Second*—To employ and dismiss teachers, janitors, and School Census Marshals, and to fix, alter, allow, and order paid their salaries and compensation, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

*Third*—To make, establish, and enforce all necessary and proper rules and regulations, not inconsistent with law, for the government and progress of public schools within the said district, the pupils therein, and the teachers thereof, and for carrying into effect the laws relating to education; also, to establish and regulate the grade of schools.

*Fourth*—To provide, for the school department of said school district, fuel and lights, water, blanks and blank books, printing, and stationery, and to incur such other incidental expenses as may be deemed necessary by said Board.

*Fifth*—To build, alter, repair, rent, and provide school houses, and furnish them with proper school furniture, apparatus, and proper school appliances, and to insure any and all such school property.

*Sixth*—To receive, purchase, lease, and hold in fee, in trust for said school district, any and all real estate, and to hold in trust any personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the public schools of said district; *provided*, that no real estate shall be bought, sold, or exchanged, or expenditures incurred for the construction of new school houses, without the unanimous consent of the Board of Education; *and provided further*, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots or the erection of school houses.

*Seventh*—To grade, fence, and improve all school lots, and in front thereof to grade, sewer, and plank or pave and repair streets, and to construct and repair sidewalks.

Power of  
Board of  
Education.

*Eighth*—To sue for any and all lots, lands, and property belonging to or claimed by the said school district, and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property, and to employ and pay counsel in such cases; and further, to do any and all acts necessary thereto.

*Ninth*—To determine, annually, the amount of money required for the support of the public schools of said district, and for the redemption of the bonds of said district, and payment of the interest thereon, in addition to the amount received from the State and county; and for the purpose of raising the amount so required, the Board of Education shall have power to levy, annually, a tax not to exceed twenty-five cents on each one hundred dollars, upon all property subject to taxation, within the limits of said school district, which tax shall be sufficient to pay all expenses of assessing and collecting, and to pay the interest on the outstanding bonds of said school district, and to pay the principal of such of the bonds as may annually become due, and other indebtedness of said district.

Assessor and  
Collector  
shall be  
elected;  
duties of, etc.

SEC. 3. At every annual election for School Directors in said district, there shall be elected a District Assessor and Collector; the Assessor may also act as District Collector. The Assessor's duty shall be to assess, between the first day of July and the first Monday in September (in the manner provided for County Assessors and assessments), all the taxable property in said district, and before the third Monday in September return the roll, footed up, to the Board of Directors. Before entering upon the discharge of their duties, the Assessor and Collector shall give bonds, payable to the people of the State of California, in the sum of five thousand (5,000) dollars, conditioned for the faithful performance of their duties. In case the Assessor neglects or refuses to qualify, within fifteen days after his election, or having qualified, refuses to act, or in case of any vacancy from any other cause, the Board of Trustees must order an election to fill the vacancy.

Board of  
Equaliza-  
tion.

SEC. 4. The Directors, upon receiving the assessment roll from the Assessor, must give five days' notice, by posting a notice in three public places in the district, or by publication in a daily newspaper, and sit for at least three days as a Board of Equalization, at such time and place as has been named in said notices; and they have the same powers as County Boards of Equalization to make any changes in the assessment roll. All assessments made by the District Assessor shall conform, as nearly as practicable, with the State and county assessments.

Duties of  
Directors as  
Board of  
Equaliza-  
tion.

SEC. 5. The Directors, after they have adjourned as a Board of Equalization, must sit as a Board of Education, and after deducting ten per centum from the assessed value on the assessment roll for anticipated delinquencies, and then by dividing the sum ascertained to be needed for the purpose mentioned in section two of this Act, together with the estimated cost of assessing and collecting added thereto, by

the remainder of the roll, ascertain the rate per centum required. The Secretary of the Board of Education of said school district must then compute and enter in a separate money column in the assessment roll the respective sums, in dollars and cents (rejecting all fractions of cents), to be paid as a tax on all property therein enumerated, and foot up the column, showing the total amount of such taxes, and the column of the total value of the property in the district, as corrected by the Board of Equalization; and the rate of tax so ascertained is hereby levied and assessed to or against the persons or property named or described in the roll, and is a lien on all such property until such tax is paid; and the tax, if not paid within the time limited by section six of this Act for its payment, shall be delinquent, and ten per centum shall be added thereto.

SEC. 6. As soon as the rate has been fixed by the Board, and the tax determined, as provided in the preceding section, the Secretary of the Board of Education shall verify said assessment roll by his oath, which shall be substantially as follows: I, ———, Secretary of the Board of Education of Court-house School District, in Sonoma County, do swear that this assessment roll of the taxable property of said school district was received from the Assessor of said district; that it now conforms to the requirements of the Board of Equalization; that I have reckoned the respective sums due as taxes, and have added up the columns of valuations and taxes, as required by law; and said Secretary shall deliver the said assessment roll to the School District Tax Collector, who shall proceed to collect the tax, and within sixty days return the roll to the Board of Education with the word "paid" marked opposite the name of each person or description of property from whom or on which he has received the tax; and he must also, at the same time, file with the said Board the County Treasurer's receipt for the moneys by him collected, and the persons and property on the roll, not by the Collector marked "paid," are then delinquent, and the Secretary of the Board of Education shall make out and certify the delinquent list, and deliver it to the District Attorney of Sonoma County, who shall proceed to collect said delinquent tax in pursuance of the provisions of the Political Code, from section eighteen hundred and forty-six to eighteen hundred and fifty-two, both inclusive.

SEC. 7. The Tax Collector of said district shall pay over all moneys collected by authority of this Act to the County Treasurer, who shall place the same to the credit of Court-house School District, and out of such funds shall pay the coupons of the bonds of said district and the principal sums, when due; and out of the surplus, if any, he shall pay, in pursuance of law, any other indebtedness of said district.

SEC. 8. The District Assessor and Collector shall receive such compensation for their services as may be fixed by the Board of Trustees; *provided*, that the cost of assessing and collecting shall not exceed two hundred and fifty dollars annually.

SEC. 9. It shall be the duty of the Board of Education

Secretary to  
verify assess-  
ment by  
oath.

Delinquent  
taxes.

Collector to  
pay money to  
Treasurer.

Compensa-  
tion of  
Assessor and  
Collector.

Board of  
Education;  
duties of.

to provide such blanks and blank book as shall be necessary for the assessment and collection of the school taxes herein provided for; to examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand, for good cause; to prohibit any child under six years of age from attending the public schools; and generally to do and perform such other acts as may be necessary and proper to carry into effect the powers conferred on said Board of Education.

Directors  
must not be  
interested in  
contracts.

SEC. 10. No School Director shall be interested in any contract pertaining in any manner to the school department. All contracts in violation of this section are declared void, and any Director violating or aiding in violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Secretary  
of Board;  
duties and  
compensa-  
tion of.

SEC. 11. The Secretary of the Board of Education shall be subject to removal at the pleasure of the Board. He shall report to the Board annually, and at such other times as the Board may require, all matters pertaining to the expense, income, condition, and progress of the public schools of said district during the preceding year, with such recommendations as he may deem proper. He shall observe and cause to be observed such general rules and regulations for the government and instruction of the schools, not inconsistent with the laws of the State, as may be established by the Board of Education. He shall attend the sessions of the Board and inform them, at each session, of the condition of the public schools, school houses, school funds, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the district, and shall perform such other duties as may be required of him by the Board. He shall receive as compensation for his services, payable out of the School Fund, such sums as the Board of Education may from time to time allow.

School  
Fund; of  
what to  
consist.

SEC. 12. The School Fund of the said school district shall consist of all moneys received from the State and County School Fund, of all moneys arising from taxes which shall be levied as provided in this Act, of all moneys arising from the sale, rent, or exchange of any school property, and of such other money as may, from any source whatever, be paid into the School Fund, which fund shall be kept separate and distinct from all other moneys, and shall be used for school purposes alone, under the provisions of this Act; and if, at the end of any fiscal year, any surplus remains in the School Fund, such surplus shall be carried forward to the School Fund of the next fiscal year, and shall not be, for any purpose, whatever, withdrawn from said fund, except as provided in this Act.

School  
Fund; to be  
used how.

SEC. 13. The School Fund shall be used and applied by said Board of Education for the following purposes:

*First*—For the payment of the salaries or the wages of teachers, janitors, School Census Marshals, and other persons who may be employed by said Board; *provided*, that the

school moneys received from the State be applied solely to the payment of teachers' salaries.

*Second*—For the erection, alteration, repair, and furnishing of school houses.

*Third*—For the purchase money or rent of any real or personal property purchased or leased by said Board.

*Fourth*—For the insurance of all school property.

*Fifth*—For the lighting of school-rooms, supplying the schools with fuel, water, apparatus, blank books, and necessary school appliances.

SEC. 14. All claims, payable out of the School Fund of said district, shall be filed with the Secretary of the Board, and after they shall have been approved by a majority of all the members of the Board, the Secretary shall issue an order therefor, countersigned by the President, on the County Superintendent of Schools, who shall thereupon issue his warrant on the County Treasurer for the payment of the same out of the school funds of said district. Claims;  
how paid.

SEC. 15. The present Board of Education of Santa Rosa City shall continue in the management of the schools of said city and district, until the end of the present school year. They shall appoint Inspectors and Judges for holding the annual election for School Directors on the last Saturday of June, of the present year, as provided by section one of this Act, and upon the election and qualification of the aforesaid School Directors shall deliver to said Directors all the school books, papers, money, and other school property in their hands by virtue of their offices. Board of  
Education to  
appoint In-  
spectors and  
Judges.

SEC. 16. The County Treasurer of Sonoma County is hereby authorized and required to keep all moneys from the State, county, and school district in a separate fund, and shall pay it out only on the warrant of the County Superintendent of Schools, issued upon the order of said Board of Education. Treasurer  
to keep sep-  
arate fund.

SEC. 17. The Board of Education shall give five days' notice of each annual election, by causing notices to be published in some daily newspaper published in the district, if there be one, or by posting notices in three public places in said district, if there be no newspaper; and also appoint Judges and Inspectors of election for each annual election. Board of  
Education to  
give notice  
of election.

SEC. 18. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 19. This Act shall take effect and be in force from and after its passage and approval.

CHAP. CCCCLXXXVIII.—*An Act to define the duties of Inspectors of Rifle Practice of the National Guard of California.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Duties of  
General  
Inspector.

SECTION 1. It shall be the duty of the General Inspector of Rifle Practice to exercise general supervision over the rifle practice of the National Guard; to inspect, or cause to be inspected, from time to time, all ranges and practice grounds, and see that the prescribed regulations for rifle practice are carried out by the National Guard, and that the proper returns thereof are made out; to report direct to general headquarters from time to time the improvement in marksmanship among the uniformed forces, together with all other matters pertaining to his duties. Commandants of brigades, regiments, and companies shall furnish to the General Inspector of Rifle Practice such information as he shall require in regard to the rifle practice of their commands, and as to the number and condition of all targets or other military property of the State issued to their respective commands for use in rifle practice; and if, at the conclusion of his inspection of any armory, range, or practice grounds, he shall find any property appertaining to rifle practice which ought to be kept therein, missing, injured, unfit for use, or deficient in any respect, or that such range or practice ground is dangerous, he shall forthwith report the facts in respect thereto to general headquarters. He may, from time to time, examine the officers upon the theory and practice of marksmanship, and upon the system of instruction of rifle practice. It shall be his duty to attend, as far as practicable, all general competitions in marksmanship among the National Guard, and see that such competitions are conducted with fairness and according to prescribed regulations. He shall make an annual report to general headquarters, in which he shall state the result of all competitions in marksmanship, with the names of the winners, together with such suggestions as he may see fit.

Duties of  
Brigade  
Inspector;  
report of.

SEC. 2. The Brigade Inspector of Rifle Practice shall have supervision of all matters appertaining to rifle practice, within the limits of their respective brigades, under the directions of the brigade commander, as prescribed for the General Inspector of Rifle Practice. They shall report to such General Inspector of Rifle Practice, whenever required by him, the condition of rifle practice in their respective brigades, and what practice of that description has been carried on during any period; and shall also, at his request, report to him upon any matter relating to rifle practice which may require examination, within their respective brigades. They shall attend the competitions for any prizes that may be offered by the State to the command to which they are attached, or that may be arranged between any of the companies of their brigades, and see that the same



are conducted with fairness, and according to the prescribed regulations for such competitive matches, and report to the General Inspector of Rifle Practice the result of all such competitions, with the names of the winners, together with such suggestions as they may see fit to make.

SEC. 3. The Regimental and Battalion Inspectors of Rifle Practice shall have supervision of all matters appertaining to rifle practice, within the limits of their respective regiments or battalions, as prescribed for the Brigade Inspector of Rifle Practice; they shall report to said Brigade Inspector of their respective brigades the condition of rifle practice in their respective regiments or battalions, and what practice has been carried on during any period, and shall also, at his request, report to him upon any matter relating to rifle practice which may require examinations, within their respective regiments or battalions. They shall attend the competitions for any prize that may be offered, or that may be arranged between any of the companies of their respective regiments or battalions, and see that the same are conducted with fairness and according to the prescribed regulations for such competitive matches, and report to the Brigade Inspector of Rifle Practice the result of all such competitions, with the names of the winners, together with such suggestions as they may see fit.

Powers and duties of Regimental and Battalion Inspectors.

SEC. 4. This Act shall take effect and be in force from and after its passage.

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CHAP. CCCCLXXXIX.—[See volume of *Amendments to the Codes.*]

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CHAP. CCCCXC.—*An Act to provide for a Convention to frame a new Constitution for the State of California.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An election shall be held on the third Wednesday in June, eighteen hundred and seventy-eight, of delegates to meet in Convention to revise the Constitution of this State and to frame a new Constitution. No other question shall be submitted to the people or voted on at such election, any statute or law to the contrary notwithstanding. All other elections called for the same time shall be held at the next general or special State election.

Election to be held.

SEC. 2. The number of delegates to be chosen to such Convention shall be one hundred and fifty-two, to be apportioned as follows: The Counties of San Diego and San

Number of delegates, and where elected from.

Number of  
delegates,  
and where  
elected from.

Bernardino shall jointly elect one delegate; the County of San Diego shall elect one delegate; the County of San Bernardino shall elect one delegate; the County of Los Angeles shall elect three delegates; the Counties of Santa Barbara, Ventura, and San Luis Obispo shall each elect one delegate; the Counties of Tulare, Kern, and Fresno shall elect one delegate each, and the Counties of Mono and Inyo shall elect one delegate; the Counties of Mariposa, Merced, and Stanislaus shall jointly elect one delegate; the Counties of Mariposa and Merced shall jointly elect one delegate; the County of Stanislaus shall elect one delegate; the Counties of Santa Cruz, Monterey, and San Benito shall jointly elect one delegate; the County of Santa Cruz shall elect one delegate; the County of Monterey shall elect one delegate; the County of San Benito shall elect one delegate; the County of Santa Clara shall elect five delegates; the City and County of San Francisco shall elect at large thirty delegates; the City and County of San Francisco at large, jointly with the County of San Mateo, shall elect one delegate; the County of San Mateo shall elect one delegate; the County of Alameda shall elect five delegates; the Counties of Contra Costa and Marin shall jointly elect one delegate; the County of Contra Costa shall elect one delegate; the County of Marin shall elect one delegate; the Counties of San Joaquin and Amador shall jointly elect one delegate; the County of San Joaquin shall elect four delegates; the County of Amador shall elect two delegates; the Counties of Tuolumne and Calaveras shall jointly elect one delegate; the County of Tuolumne shall elect one delegate; the County of Calaveras shall elect one delegate; the County of Sacramento shall elect five delegates; the Counties of Solano and Yolo shall jointly elect one delegate; the County of Solano shall elect three delegates; the County of Yolo shall elect one delegate; the Counties of Napa, Lake, and Sonoma shall jointly elect one delegate; the County of Napa shall elect one delegate; the County of Lake shall elect one delegate; the County of Sonoma shall elect four delegates; the County of Placer shall elect two delegates; the Counties of El Dorado and Alpine shall jointly elect two delegates; the County of El Dorado shall elect one delegate; the Counties of Nevada and Sierra shall jointly elect one delegate; the County of Nevada shall elect four delegates; the County of Sierra shall elect one delegate; the Counties of Yuba and Sutter shall jointly elect one delegate; the County of Yuba shall elect two delegates; the County of Sutter shall elect one delegate; the Counties of Butte, Plumas, and Lassen, shall jointly elect one delegate; the Counties of Plumas and Lassen shall jointly elect one delegate; the County of Butte shall elect two delegates; the Counties of Mendocino, Humboldt, and Del Norte, shall jointly elect one delegate; the County of Humboldt shall elect one delegate; the County of Mendocino shall elect one delegate; the County of Del Norte shall elect one delegate; the Counties of Siskiyou, Modoc, Trinity, and Shasta, shall jointly elect one delegate; the Counties of Siskiyou and Modoc shall jointly elect one delegate; the Counties of

Trinity and Shasta shall jointly elect one delegate; the County of Tehama shall elect one delegate; the County of Colusa shall elect one delegate; and thirty-two (32) delegates shall be elected by the State at large, eight (8) residents of each Congressional District.

SEC. 3. All persons entitled by law to vote for members of Assembly shall be entitled to vote at such election in their respective election districts, and not elsewhere. Such election shall be by ballot.

SEC. 4. The following regulations shall apply to the afore- Regulations.  
said election, to be held on the third Wednesday in June, A. D. eighteen hundred and seventy-eight:

*First*—The said election shall be held and conducted by the proper election officers of the several election districts of this State, and shall be governed and regulated in all respects by the general election laws of the State in force at the time of said election, so far as the same shall be applicable thereto, and not inconsistent with the provisions of this Act.

*Second*—At the special election to be held under this Act, if no other provision for printing and using new Great Registers or ward registers shall have in the meantime been made by law, the copies of the Great Registers which were used in the several counties of this State at the general election held in the year eighteen hundred and seventy-seven shall be used. The Boards of Supervisors must furnish the Boards of Election of each precinct in their respective counties, before the day on which said special election is appointed to be held, at least one copy of the aforesaid printed Great Register. If the Boards of Supervisors cannot otherwise obtain a sufficient number of copies of the register for the purpose, it must take the copies filed in the office of the County Clerk, in pursuance of section one thousand two hundred and sixty-eight of the Political Code. If the copy of the register which shall be furnished to any precinct shall have been used at a previous election, the character "X" may be used instead of the word "voted," as required by section one thousand two hundred and twenty-eight of the Political Code. It shall not be the duty of the Boards of Election to post copies of the Great Register, as required by section one thousand one hundred and forty-nine of the Political Code. The voter, when he offers his ballot at a polling place, shall not be required to announce his number on the Great Register, as provided for in section one thousand two hundred and twenty-five of the Political Code.

Registers to be used.

*Third*—The officers of the several counties of this State, whose duty it is under the law to receive and canvass the returns from the several precincts of their respective counties, as well as the City and County of San Francisco, shall meet at the usual place of meeting for such purpose on the second Monday after said election. If at the time of meeting the returns from each precinct in the county in which polls were opened have been received, the Board must then and there proceed to canvass the returns; but if all returns have not been received, the canvass must be postponed

Canvassing of returns.

from day to day until all of the returns are received, or until six postponements have been had, when they shall proceed to make out returns of the votes cast for delegates to be members of the Convention; and the proceedings of the officers whose duty it is to make out said returns shall be the same as those prescribed for like officers in the case of an election for Governor, except that the returns shall be transmitted to the Secretary of State. The persons receiving the highest number of votes at such election shall be elected, except in the case of persons voted for as delegates at large. Of the persons so voted for as delegates at large, the eight persons, residents of any one Congressional District, who shall have received a plurality of votes over all other persons, severally, who reside in the same Congressional District, shall be declared elected such delegates at large.

Duty of  
State  
officials.

*Fourth*—The Secretary of State shall, as soon as the returns of said election shall be received by him, or within twenty days after said election, in the presence of the Governor and Controller of State, open and compute all of the returns received of votes given for members of the Convention, and the Governor shall forthwith issue his proclamation, declaring the names of the persons who have been chosen members of said Convention.

Meeting of  
delegates.

SEC. 5. The delegates so chosen shall meet in Convention in the Assembly Chamber at the Capitol, in the City of Sacramento, on the twenty-eighth of September, eighteen hundred and seventy-eight, at twelve o'clock M. They shall, by a viva voce vote, and the vote shall be entered on the Journal, elect one of their number President, and such Secretaries and other officers as they may deem necessary. After the said Convention has met and organized, it shall have power to adjourn to and hold its meetings at any place in said City of Sacramento other than the said Assembly Chamber, and all committee rooms of the State Capitol building shall be under the control of said Convention. The President of the Convention may appoint not exceeding one Doorkeeper and four Pages. The Convention may select Phonographic Reporters, and fix the amount of their compensation; also, a Sergeant-at-Arms and one Assistant. The delegates to the Convention shall receive the same per diem and mileage as members of the Legislature; *provided*, no compensation shall be allowed delegates after the expiration of one hundred days. No pay shall be allowed for any recess longer than three days at one time. The Secretary shall receive eight dollars per day, and his Assistants each six dollars per day, and the Doorkeepers, Pages, Sergeant-at-Arms, and assistants, shall receive the same compensation as provided by law for similar services and attendance upon the Assembly. The amount of pay shall be certified by the President of the Convention, and shall be paid by the Treasurer of State, on the warrant of the Controller, in the same manner as members of the Legislature are paid. It shall be the duty of the Governor to attend said Convention at the opening thereof, and to administer the Constitutional oath of office to the delegates, and to preside at all meetings thereof until a President has been

Appoint-  
ment of  
attachés.

Per diem.

Compensa-  
tion of  
attachés.

Governor to  
attend  
opening.

electd and taken his seat, but the Governor shall have neither the casting vote nor any other vote therein. The Secretary of State shall also attend at the opening of the Convention and call the roll of delegates. All public officers, Boards, and Commissions shall furnish such Convention with all such information, papers, statements, books, or other public documents in their possession as the said Convention shall order or require for its use from time to time while in session. It shall be the duty of the Secretary of State to furnish the members of said Convention with stationery to the amount provided by law for the Legislature while in session, and to the Convention such stationery, manual, file boards, and other like things as are furnished to the two Houses of the Legislature. Said Convention may adopt such rules and regulations for its own government as a majority of its members may determine, and said Convention shall be the judge of the election and qualification of its own members.

Information to be furnished.

SEC. 6. A journal of the proceedings of the said Convention shall be kept, and shall, at the final adjournment thereof, be filed in the office of the Secretary of State, and the Constitution agreed to by the Convention shall be recorded in his office. A majority of the Convention shall constitute a quorum to do business. The doors of the Convention shall be kept open, except when the public welfare shall require secrecy. Every delegate to the Convention shall have the like privileges from arrest and from civil process as members of the Legislature now have by law. For any speech or debate in the Convention, the delegates shall not be questioned in any other place. The Convention shall have the power to expel any of its members, and to punish its members and officers for disorderly behavior, by imprisonment or otherwise; but no member shall be expelled until the report of a committee appointed to inquire into the facts alleged as the ground of his expulsion shall have been made. The Convention shall have the power to punish as a contempt, and by imprisonment or otherwise, a breach of his privileges, or of the privileges of its members, but such power shall not be exercised except against persons guilty of one or more of the following offenses:

Journal to be kept.

Privileges of delegates.

Power of Convention to punish certain offenses.

*First*—The offense of arresting or subjecting a member or officer of the Convention to civil process in violation of his privilege from arrest as heretofore declared.

*Second*—That of disorderly conduct in the immediate view and presence of the Convention, and directly tending to interrupt its proceedings.

*Third*—That of publishing any false and malicious report of the proceedings of the Convention, or of the conduct of a member in his delegated capacity.

*Fourth*—That of refusing to attend, or be examined as a witness, either before the Convention or a committee to take testimony in the proceeding of the Convention.

*Fifth*—That of giving or offering a bribe to a member, or of attempting by menace or any other corrupt means or device, directly or indirectly, to control or influence a mem-

ber in giving his vote, or to prevent him from giving the same.

Term of imprisonment.

In all cases in which the Convention shall punish any of its members, or officers, or any other person, by imprisonment, such imprisonment shall not extend beyond the session of the Convention. Every person appointed to the office of Secretary of the Convention shall, before he enters on the duties of his office, execute a bond to the people of the State, with such security as the Controller shall approve, in the penal sum of five thousand dollars, conditioned that he shall faithfully perform the duties of his office and account for all moneys which may come into his hands by virtue thereof.

Constitution to be submitted to the people.

SEC. 7. The Constitution framed by such Convention shall be submitted by the Convention to the people for their adoption or rejection at a special election to be held on the first Wednesday of May, eighteen hundred and seventy-nine, and every person hereby entitled to vote for delegates may vote at that election, on such adoption or rejection, in the election district in which he shall then reside, and not elsewhere. The said Constitution shall be voted on as a whole. No other question than the adoption or rejection of the proposed Constitution shall be submitted to the people or voted on at such election, any statute or law to the contrary notwithstanding. The Convention shall prescribe the publication of said Constitution, and the notice to be given of the election. The ballots or tickets shall have printed or written upon them the words "For the New Constitution," or "Against the New Constitution," and all the provisions of law now or at that time existing in regard to general elections shall be applicable to such election, except that the provisions of the first and second subdivisions of section four of this Act shall also apply to said election. The canvassing and returns of the votes cast upon such question shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes as certified to him. If, by such an examination, it is ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California, and that it will take effect at such time as the said Convention may have in its discretion, by resolution, or in said Constitution itself, fixed. If said Convention fix no time for said Constitution to take effect, then it shall take effect immediately upon such proclamation being made.

Form of ballots.

Perjury.

SEC. 8. All willful and corrupt false swearing in taking any of the oaths prescribed by this Act, or by the laws of this State made applicable to this Act, or in any other mode or form in carrying into effect this Act, shall be deemed perjury, and shall be punished in the manner now prescribed by law for willful and corrupt perjury.

Secretary of State to publish this Act

SEC. 9. It shall be the duty of the Secretary of State to cause this Act to be published once a month after its passage,

until the election of delegates herein provided, in not more than five of the public newspapers published in this State—one of said publications to be in some newspaper published in the City and County of San Francisco, and one in the City of Sacramento, one in the County of Los Angeles, and one in the County of Nevada, and one in the County of Tulare; and the expense of publishing the same, and all other legal expenses incurred in printing for the Convention, shall be audited by the Controller and paid by the State Treasurer according to law.

SEC. 10. All the printing necessary for the said Convention, under the provisions of this Act, shall be done and performed at the State Printing Office. Printing.

SEC. 11. In case any vacancy occurs by reason of the death, resignation, or otherwise, of any delegate elected to said Convention, the same shall be filled by the Convention. Vacancy.  
how filled.

SEC. 12. The sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury to pay the expenses of the Convention provided for in this Act. Appropriation authorized.

SEC. 13. This Act shall take effect immediately.

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CHAP. CCCCXCI.—*An Act to amend an Act entitled an Act to provide for construction division fences, approved March ninth, eighteen hundred and seventy-six.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two of said Act is hereby amended to read as follows: Section 2. Lawful division fences are described as follows: Amended.

*First*—If made of stone, four feet high, three feet base, and one foot thick on the top.

*Second*—If it be worm fence, the rails should be well laid, and at least five feet high.

*Third*—If made of posts and boards, the posts must be set well in the ground, not less than eighteen inches, and not wider apart than eight feet. If intended to turn all stock, it shall be at least five six-inch boards or four eight-inch boards high, or four boards high with a ditch embankment equal to one board, or four six-inch boards high with a wire on top; the boards to be six inches wide and one inch thick, the top board or wire to be four and one-half feet from the ground, the spaces well divided, and the boards securely nailed to the posts. If intended, as by mutual agreement in writing, a lawful fence to turn only neat cattle, horses, and mules, a three-board fence shall be deemed sufficient, the bottom board to be two feet from the ground.

*Fourth*—If made of pickets, posts and rails, or posts and

poles, and a ditch or ditches, the fence must be equally strong and secure as a fence made as described in the last subdivision.

*Fifth*—If made of wire, posts and poles, ditch, pickets, hedge, brush, or any other materials, the fence, to be lawful, must be equal in strength and capacity to turn stock as the fence described in the third subdivision of this section.

SEC. 2. This Act shall be in force from and after its passage and approval.

CHAP. CCCCXCII.—*An Act for the relief of Edward Christy.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation.

SECTION 1. The sum of three hundred and ninety dollars is hereby appropriated, out of the General Fund in the State treasury, for the purpose of paying Edward Christy interest on claims allowed him in eighteen hundred and seventy-six by the State Board of Examiners, amounting in the aggregate to nineteen hundred and eighty dollars, and which said claims were not paid until the twenty-seventh day of February, eighteen hundred and seventy-eight.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCXCIII.—*An Act granting to John C. Boggs a reward for the capture of Ah Sam, alias Gee Ah You, a noted murderer.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation, conditions of.

SECTION 1. The sum of six hundred dollars is hereby appropriated, out of any money in the State treasury not otherwise appropriated, as a reward to John C. Boggs, in full compensation for the capture of Ah Sam, alias Gee Ah You, a murderer, for whose arrest and conviction the Governor of this State offered a reward, but who committed suicide at the time of his capture. Said sum shall not be paid until said Boggs shall have proven, to the satisfaction of the Board of Examiners, the fact of the arrest and suicide of said Ah Sam, and his identity as the person for whom said reward was offered. Upon said proof and the certification thereof by the Board of Examiners, the Controller shall draw his warrant in favor of said John C. Boggs for said sum of six hundred dollars, and the State Treasurer shall pay the same.

SEC. 2. This Act shall take effect from and after its passage.



CHAP. CCCCXCIV.—*An Act in relation to the State Insane Asylum.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Superintendent of the State Insane Asylum, at Stockton, or one of his assistants, may attend the annual meetings of the Superintendent of the American Institutions for the Insane, and the expenses, not to exceed four hundred dollars per annum, must be audited and allowed by the Board of Examiners, and paid out of the State treasury. The Resident Physician of the Napa State Asylum for the Insane, or one of his assistants, may also attend such annual meetings, and the expenses, not to exceed four hundred dollars per annum, shall also be audited by the Board of Examiners, and paid out of the State treasury; *provided*, that the Medical Superintendent, or one of his assistants, of the Stockton Asylum, may attend said meeting in the year eighteen hundred and seventy-eight, and the Resident Physician, or one of his assistants, of the Napa Asylum, may attend said meeting in the year eighteen hundred and seventy-nine, and thereafter the said physicians shall attend said meeting alternately.

Superintendent and assistant to attend annual meetings; expenses, how paid.

SEC. 2. An Act entitled an Act in relation to the Superintendent of the State Insane Asylum, approved April first, eighteen hundred and seventy-two, is hereby repealed.

Repealed.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCCXCV.—*An Act to amend an Act entitled an Act to incorporate the Town of San Rafael, approved February eighteenth, eighteen hundred and seventy-four.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section seven of said Act is hereby amended to read as follows: Section seven. The Board of Trustees shall choose a President and Vice-President from their number. It shall be the duty of the President to attend and preside over all meetings of the Board of Trustees, to exercise a general supervision over the other officers of the corporation, and to sign all warrants drawn upon the Treasurer by order of the Board of Trustees; he shall have power to enforce order and decorum at the meetings of the Board, and shall approve all bonds. The Vice-President, in the absence of the President, shall perform all the duties of the President. The Board of Trustees shall appoint a Town Clerk,

Section amended.

not of their number, whose duties shall be to keep the journal of their proceedings and all records of the town; to keep the accounts of the town, and countersign all warrants issued in pursuance of the order of the Board, and keep a true account thereof; to attend all meetings of the Board and record its ordinances, and file all the papers and documents of the Board. The ordinances shall be numbered in the order of their passage, and suitably indexed. He shall keep the seal of the corporation, and shall receive for his services such sum as the Board shall award him; and he is hereby authorized to administer oaths, and certify the same.

Section  
amended;  
powers of  
Trustees.

SEC. 2. Section seventeen of said Act is hereby amended to read as follows: Section seventeen. The Board of Trustees shall have power:

*First*—To make laws and ordinances not repugnant to the Constitution and laws of this State.

*Second*—To lay out, alter, open, and keep open, and repair, the streets and sidewalks of the town; to determine the width and grade of all streets and sidewalks; to set out and cause to be set out shade trees along the streets, and to regulate the planting of the same, but no street shall be laid out or opened except with the consent of two-thirds of the property holders and frontage along the line of the same; and no street shall be made wider than seventy feet, without the consent, in writing, of all the property holders along the line of said street.

*Third*—To provide means to protect the town from injuries by fire.

*Fourth*—To levy and collect, annually, a road poll tax, of not exceeding three dollars, on every male inhabitant of the age of twenty-one years and upwards.

*Fifth*—To levy and collect, annually, a tax, not to exceed five dollars, on every dog owned within the limits of the town, and no other dog tax shall be collected within such limits.

*Sixth*—To provide for the establishing of grades and improvement of streets, the construction of sidewalks, drains, and sewers, and the keeping of the same in repair; to prevent the erection of slaughter houses and the business of slaughtering animals within the town, and to remove all slaughter houses and pig or hog pens; to provide for the prevention and summary removal of all nuisances, and of all occupations detrimental to the public health, comfort, and safety.

*Seventh*—To provide for the lighting of streets, the laying of railroad tracks, the running of cars thereon, and to regulate the same.

*Eighth*—To provide for the prevention of the running at large in the town of horses, mules, sheep, goats, swine, and cattle, and for impounding the same, and selling them to pay fines, and expenses, and costs, as may be imposed; to compel the muzzling and licensing the keeping of dogs, and to authorize their being killed.

*Ninth*—To regulate and prohibit the storage of gunpowder, hay, or other explosive or combustible materials.

*Tenth*—To license, tax, and regulate all business and employments, and to prevent and forcibly remove and close up any place where any thing is done or carried on prejudicial to the public health or public morals. Powers of Trustees.

*Eleventh*—To provide for the removal of all dirt, filth, and obstructions from the streets and sidewalks of the town, and to punish by fine and imprisonment, or by either, the depositing of dirt, filth, or obstruction in such streets or on such sidewalks.

*Twelfth*—To prevent and punish disorderly conduct or disturbance within the town, and to establish and enforce sanitary measures for the health of the town, or to prevent the spread of infectious disease within the same.

*Thirteenth*—To borrow, on the faith and credit of the town, but no loans shall be made at any one time for a sum exceeding ten thousand dollars, nor without the consent to such loan of the electors of the town previously obtained in the manner hereinafter provided.

*Fourteenth*—To provide for the good order and government of the town, and to appoint and pay policemen, watchmen, and other officers when deemed necessary so to do.

*Fifteenth*—To prevent animals being herded, or picketed, or allowed to run at large upon the streets or public grounds of the town.

*Sixteenth*—To appoint an Attorney, and allow him such compensation as may be deemed proper.

*Seventeenth*—To levy and collect annually taxes on all property, real and personal, within the town, not exceeding the rate of one per cent. for the purposes of the General Fund.

*Eighteenth*—To impose fines, penalties, and forfeitures for the breach of ordinances, and appropriate the same.

*Nineteenth*—To purchase such real estate for a cemetery and other public uses as may be necessary for the purposes of said town, and to control and regulate the same; *provided*, that such land shall not necessarily be within the limits of the town.

*Twentieth*—To purchase or lease such building or buildings, with the land on which the same may be erected, or purchase the land and erect such building or buildings thereon as may be necessary for the public meetings of the Board of Trustees or of the Town Clerk, and the proper keeping of the books and records of the town, or for the uses of the fire department connected with the town.

*Twenty-first*—To pass all ordinances necessary and proper for fully carrying into effect the powers hereby and herein granted or incident thereto.

*Twenty-second*—To fix the time of holding the meetings of the Board; *provided*, that a meeting may be called at any time by the President of the Board.

SEC. 3. Section twenty-seven of said Act is hereby amended to read as follows: Section twenty-seven. The Board of Trustees, whenever they deem it to be a public necessity, may order the whole or any part (but not less than one block)

Section amended, Trustees to order streets graded, etc.

Inviting  
sealed  
proposals

Duty of  
Board when  
person fails  
to enter into  
written  
contract.

of any street, of which the grade has been officially declared, to be graded and planked, or paved, or graveled, or macadamized, in manner following: They shall cause to be made a survey, plan and specification of the work to be done, and to be submitted to them; if the same be approved by them, they shall be forthwith filed with the Town Clerk, and the Board may thereupon pass an ordinance directing the said work to be done according to such survey, plan, and specification, within such time as may be limited, both as to the commencement of the work and its completion. The Board shall then, by resolution, direct the Town Clerk to publish a notice in some newspaper published in said town, for two consecutive weeks, as often as such newspaper shall be published, inviting sealed proposals to do the work according to such survey, plan, and specification. At the time fixed by such notice, the proposals shall be opened, and the Board shall thereupon, by resolution, award the work to be done to the lowest responsible bidder, and the President of the Board, in the name and on behalf of the town, shall enter into a contract, in writing, with such bidder to do such work, according to said survey, plan, and specification, within a time limited therein, for the sum offered by his proposal; *provided, however*, that the Board may reject any and all bids should they deem it best so to do, and in such case, or should no bids be received, or if the person to whom any contract may be awarded should fail to enter into a contract, in writing, to do the work, or should fail to complete the work, then the Board may again, and as often as may be necessary, advertise for proposals to do said work, or to complete the same; *and provided further*, that no contract so entered into shall bind the town, or said Board of Trustees, or any of them, to pay for the work done, or to be done thereunder; the contractor to look solely to the property liable to pay, and such provision shall be inserted in all contracts made on behalf of said town. When the work shall be fully completed and accepted by the Board, the Board shall make an assessment of the cost thereof to and among the lots of ground fronting on the street, on each side of the work done, according to the frontage of each lot, and shall accompany the same with a diagram showing the several lots assessed, which assessment and diagram shall then be filed with the Town Clerk, and notice shall thereupon be given by the Town Clerk, by publication for one week in such newspaper, as often as it is published during such week, that such assessment and diagram have been filed with him, and that on a day and hour fixed by such notice, which shall not be less than ten days from the first publication of such notice, the Board will sit to equalize such assessment. At the time fixed by such notice all persons owning lots affected by such assessment may appear and object that the lots severally owned by them are not correctly set forth upon such assessment and diagram, but not otherwise, and the Board shall hear and dispose of the same, and may alter the said assessment and diagram as may be equitable and just as among the several lots assessed or bound for the work done, taking

care, however, that the sum due to the contractor shall not in any case be diminished by any of their proceedings. The assessment and diagram so equalized, or so altered, or if no person shall have appeared, or if having appeared, no change shall have been made, the original assessment and diagram shall then be signed by the President of the Board, and be recorded by the Town Clerk, in a book to be provided for that purpose; and such record, and everything therein contained, shall be final and conclusive upon all persons, and the sum assessed against each lot shall be a lien thereon from the date of such record, which lien shall continue for two years, and take priority over all other liens, except liens for taxes. Payment of the sums so assessed may at any time, within ten days after such recording, be made to the Town Treasurer for the use of the contractor, and receipts therefor shall be given by him, and on presentation of such receipts to the Town Clerk, he shall mark on such record the fact of such payment, specifying the lot or lots on which the assessment has been paid; and thereupon the lien as against such lot or lots shall be canceled. If at the expiration of said ten days the said assessment, or any of them, be not paid, the contractor shall be entitled to bring a suit in his own name to foreclose the lien or liens created by such assessment and remaining unpaid, with interest thereon from the date of the record thereof, at the rate of one per cent. per month, in which suit the owners of all the lots affected by such assessment shall be joined as parties defendants therein, and the complaint therein need not show any of the steps or proceedings taken prior to the record of such assessment, but shall be legally sufficient if it show the title of the Court and cause, a brief statement of the work performed, that he had contracted to do the work and had done it, the date of the record of the assessment, the book and page where recorded, the amount assessed therein against each lot and remaining unpaid, and a description of each lot to enforce the lien against which the suit is brought, the name of the owner of each lot, and the prayer for relief; and no defense shall be interposed thereto except payment, or actual fraud in the performance of the work, or in the proceedings had prior to the commencement of the suit. Counsel fees shall be recovered in such suit, as may be fixed by the Court, as well as all costs allowed by law. In neither such assessment or diagram shall the name of any person be stated as the owner of any lot mentioned or figured therein, but each lot shall be numbered correspondingly both in the assessment and diagram, and the diagram shall show, in figures, the frontage and depth of each lot, and its relative position to the cross streets nearest thereto. Whenever any street, ordered to be improved under the provisions of this section, shall cross any other street, the crossing of such streets shall also be ordered to be done by the Board of Trustees, as part of the work ordered, and every provision of this section shall be applicable to all work done, or ordered to be done upon such crossing, except that in advertising for proposals to do the work when not begun, or

Assessment  
and diagram  
to be re-  
counted.

Street cross-  
ings; how  
worked.

not completed by the property owners, the notice given shall require that in the proposals to be made and handed in, the amount for which the work upon the crossing or crossings will be done shall be stated separately from the rest of the work, and in every contract that may be entered into such amount shall be separately stated, and for the payment of any work done by a contractor upon a crossing the sum due him therefor shall be assessed by and upon a separate assessment and diagram, and shall be made upon every lot or part of a lot in every quarter block fronting on such streets so crossing, and according to their several frontages on such streets.

Sidewalks;  
how con-  
structed.

SEC. 4. Section twenty-eight of said Act is hereby amended to read as follows: Section twenty-eight. Sidewalks may be ordered by the Board of Trustees to be constructed, and may be constructed, whenever they may deem proper so to order, on either or both of the sides of a street, the grade of which has been officially declared in the manner provided by the next preceding section, twenty-seven, except that in case the sidewalk on only one side of a street shall be ordered to be constructed the ordinance ordering the work, and all subsequent proceedings, shall be modified so as to only affect the lots fronting on that side of the street upon which the sidewalk has been ordered to be constructed, and every provision in the preceding section, twenty-seven, shall be applicable to the work ordered and constructed under this section. The Board of Trustees may require any sidewalk when constructed to be kept in good repair by the owners or occupants of the property fronting on it, at such time and under such penalty as they may by resolution direct, and whenever any sidewalk is repaired under such direction by any tenant, he may deduct from any rent due or to become due by him to the owner of the lot of which he may be the tenant such sum as he may have paid for the repairs of such sidewalk in front thereof.

Assessor and  
Collector  
consoli-  
dated; how.

SEC. 5. Section twenty-nine of said Act is hereby amended to read as follows: Section twenty-nine. At the option of the Board of Trustees, and during such time as they may judge best, they may, by ordinance, direct that the several offices of Assessor and Collector may be consolidated, and that the Assessor, when elected, shall be ex officio Town Collector, in which case no election for Collector shall be had, and the Board may, by such ordinance, provide for the payment to such Assessor, for his services as Assessor and Collector, such compensation as they may deem such officer fairly entitled to, anything hereinbefore to the contrary notwithstanding.

Taxes; how  
collected  
and paid

SEC. 6. Section thirty-eight of said Act is hereby amended to read as follows: Section thirty-eight. All road taxes assessed, or hereafter to be levied and assessed, by the County Assessor, or by the County of Marin, upon any property within the limits of said Town of San Rafael, and hereafter collected by the Tax Collector of said County of Marin, shall be paid by him to the Treasurer of said town for the use of said town.

SEC. 7. Section forty-six of said Act is hereby amended to

read as follows: Section forty-six. During the ten years next prior to the maturity of any bonds issued by said town, the Board of Trustees shall, annually, in and by their ordinance fixing the amount of taxes to be assessed and collected, levy and cause to be collected a tax sufficient to pay ten per cent. of the bonds which may become payable at the end of such ten years, and the tax so levied and collected shall be set apart as a special fund, to be known as the "Redemption Fund."

Trustees to fix amount of taxes.

SEC. 8. Section forty-eight of said Act is hereby amended to read as follows: Section forty-eight. Neither the Board of Trustees nor any officer, officers, or authority, shall have power to contract any debt against said town, except as provided in the preceding sections; nor shall the aggregate amounts of the bonds issued, or to be issued, by said town, or of the money borrowed by said town, ever exceed the sum of thirty thousand dollars, excepting such interest as may accrue on such bonds; and in no case shall any contract, made by said town for street or sidewalk purposes, be deemed to create any liability on the part of said town or any of its officers to pay the same, except so far as said town or its officers shall receive from property owners the amount of any assessment levied against their lots, by reason of any of the provisions of this Act, and shall refuse to pay the same, when collected, to the contractor entitled thereto.

Contracts: how governed.

SEC. 9. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXCVI.—*An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin, and to provide for a bounty for the same.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors, in and for the County of San Joaquin, shall, at the time of making their annual levy of State and county taxes, or at any regular meeting of said Board on or before the first Monday in June, eighteen hundred and seventy-eight, and every year thereafter, levy a special tax, not to exceed three cents on each one hundred dollars valuation of all taxable property on the assessment roll of said county, which tax shall be collected at the same time and manner in which other county and State taxes are collected, and when so collected, less only the fees allowed by law for the collection and disbursement of the same, shall constitute in said county a fund, to be known as the "Squirrel and Gopher Bounty Fund."

Supervisors to levy special tax.

SEC. 2. Any person who shall, within said county, kill or

Bounty.

destroy, or cause to be killed or destroyed, by any person or persons in his or their employ, in any manner not prohibited by law and in accordance with the subsequent provisions of this Act, any squirrels or gophers, shall be entitled to the sum of five cents for each squirrel, and seven cents for each gopher, so destroyed, and shall, upon the presentation of the scalps of not less than fifty squirrels, or twenty-five gophers, so destroyed, to any Justice of the Peace of this county, wherein the same were taken, and by oath or affirmation, or otherwise, prove to the satisfaction of said Justice of the Peace that such squirrels or gophers were killed within said County of San Joaquin, in which said claim is presented, and the Justice of the Peace shall at once count and destroy the scalps so presented, and shall issue to said claimant a certificate, as follows, viz.: I, — — —, Justice of the Peace, in and for the County of San Joaquin, do hereby certify that — — — has this day presented to me — — — No. scalps of — — —, and furnished the necessary proof that they were killed within this county, and is entitled to — — — dollars bounty, payable out of the Bounty Fund. — — —, Justice of the Peace. — — —, eighteen hundred and seventy-eight.

Certificate  
issued.

Supervisors  
to pay claim.

SEC. 3. On presentation by the lawful holder of any one or more of said certificates to the Board of Supervisors of said county, said Board shall consider and allow the same in like manner as other claims against said county are allowed, and the County Auditor of said county shall draw upon the County Treasurer, payable only out of the said "Squirrel and Gopher Bounty Fund," in the manner prescribed by law for the drawing of warrants upon other funds of the county, and shall be in like manner paid.

Unlawful  
to enter  
inclosure;  
when.

SEC. 4. It shall be lawful for any person, under the provisions of this Act, to enter any inclosure not occupied as a garden, vineyard, nursery, or orchard, between the first day of November and the first day of May of each year, and not otherwise, unless permission be granted by the owner of said premises; *provided*, that this Act shall not be so construed as to prevent an action for damages in case of willful or unlawful destruction of property.

Clerk to  
furnish  
certificates.

SEC. 5. The County Clerk shall prepare blank certificates, and furnish the same to each Justice of the Peace within this county. Each Justice of the Peace shall be entitled to a fee of twenty-five cents for each certificate issued under the provisions of this Act.

SEC. 6. This Act shall take effect from and after its passage.



CHAP. CCCCXCVII.—*An Act to amend an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section seven of said Act is amended so as to read as follows: Section seven. The Board of Supervisors of Napa County, at the time of levying State and county taxes, in the year A. D. eighteen hundred and seventy-eight, shall levy upon all the assessable property in the county a road tax, not exceeding twenty cents on the one hundred dollars, and annually thereafter levy a tax not exceeding twelve and one-half cents on the hundred dollars, which shall constitute a Contingent Road Fund, and shall be at the disposal of the Board of Supervisors, and expended for general road purposes; *provided*, that five cents of said rate of said tax shall, each year, be appropriated by said Board for the maintenance of what is known as the Berryessa Road. Section amended.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect on and after its passage.

CHAP. CCCCXCVIII.—*An Act to amend an Act, approved March thirtieth, eighteen hundred and seventy-six, entitled an Act supplementary to and amendatory of an Act, approved twenty-fourth of March, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two of said Act is hereby repealed. Repealed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXCIX.—*An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Section  
amended.

SECTION 1. Section eight of said Act is amended to read as follows: Section eight. Section three of this Act shall not apply to the Counties of Los Angeles, San Diego, Sutter, San Benito, Del Norte, El Dorado, Colusa, Yuba, Humboldt, Amador, Tuolumne, Shasta, Plumas, Lassen, Siskiyou, Modoc, Trinity, Sierra, Placer, and Santa Cruz.

SEC. 2. This Act shall take effect immediately.

CHAP. D.—*An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, one thousand eight hundred and seventy-four.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Amended;  
Common  
Council  
defined.

SECTION 1. Section three of said Act is hereby amended so as to read as follows: Section three. The Common Council of said city shall consist of five members, one to be elected from each ward, who, with the Mayor, Marshal, Assessor, Tax Collector, and Police Judge, shall be chosen at an election to be held in said city on the first Monday of April, eighteen hundred and seventy-eight, and on the first Monday of April every two years thereafter, and shall hold their office until their successors are elected and qualified. The Mayor shall be President of the Council, and shall have the casting vote in case of a tie. The Mayor shall receive, as compensation for his services, the sum of six hundred dollars per year, payable in monthly installments of fifty dollars, and each Councilman shall receive, as compensation for his services, the sum of thirty dollars per month, payable monthly, and no Councilman shall be appointed to any city office.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DI.—*An Act to authorize the Common Council of the City of Santa Barbara to lay out, open, and improve streets in said city.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Upon the petition signed by owners representing the majority of the frontage upon the proposed improvement, the Mayor and Common Council of the City of Santa Barbara shall have power and authority to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, lane, or alley within the bounds of said city which, in their opinion, the public convenience may require; and they may appoint three Commissioners to assess the damages and benefits to be caused by said improvements. Said Commissioners shall give notice of the time and place where they will proceed to examine the property to be affected by such improvement, by an advertisement in one newspaper published in said city, such time not to be more than ten days after the day when said notice shall first be published.

Duties of Mayor and Council.

Commissioners appointed.

SEC. 2. Said Commissioners shall, at the time and place named, proceed to examine the land and improvements to be effected by the proposed improvement, and shall first ascertain the amount of damages to be sustained, the names of the owners of the property to be damaged, and the amount to be paid to each of such owners therefor. They shall then assess upon the property to be benefited by such improvement a sufficient sum to pay the whole amount of said damages, and the fees of said Commissioners, and shall apportion the same among the owners of the several parcels of property to be thus benefited in proportion to the amount of benefits to accrue to each. In making such estimate and apportionment, they may examine witnesses, and shall have authority to administer oaths to all persons testifying before them, and they shall, within ten days after their appointment, unless further time be granted by the Common Council, make a report to said Council of the assessments and awards so made by them, with the names and amounts of the persons damaged or benefited as aforesaid. The said City of Santa Barbara shall not be assessed for any such improvements, and no money shall be paid out of the General Fund for the same.

Commissioners to examine land, etc.

Assessment levied.

SEC. 3. Upon receiving such report, said Council may, by ordinance, levy a tax upon the several parcels of property reported as benefited by said improvement for the amounts severally charged against each in said report, which tax shall be a lien upon said several parcels of property severally. Immediately after levying such tax, the Common Council shall give notice thereof by advertisement in a newspaper published in said city, requiring the owners of the property taxed to pay the amounts severally due from each to the City Tax Collector within ten days from the first publication of

Tax levied; notice to be given.

said notice. At the expiration of said ten days, the Common Council shall issue to the City Marshal a warrant, signed by the President and Clerk, commanding him to levy and collect all of the said tax that shall then be unpaid, with his fees of three per cent. for collecting, from the property upon which the same is a lien as aforesaid, and shall thereupon deliver the same to said Marshal.

Marshal to  
collect tax.

SEC. 4. Upon receiving said warrant, said Marshal shall proceed to collect so much of said tax as is unpaid, by levy upon and sale of the several portions of property upon which said unpaid tax is a lien, in the same manner and with the same authority as on sales on execution by Sheriffs, and shall return said warrant with his doings thereon within sixty days after the receipt thereof by him. If, for any reason, the whole amount thereof shall not be collected, said Council may issue, with like effect, a subsequent warrant or warrants until all be collected.

Council to  
direct pay-  
ment of  
damages.

SEC. 5. As soon as money enough for that purpose is received from said tax, the City Council shall direct the City Treasurer to pay or tender to each party to whom damages have been awarded the sums severally due to them, and thereupon said Council shall proceed and open said streets, or make said improvements, and the same shall be deemed open to public use. If any person or party entitled to damages cannot be found by the City Treasurer, he shall retain the amount due to them in the city treasury as a special deposit, subject to their order, and the same shall be deemed a sufficient payment under this Act. The money so retained or deposited shall not be drawn or used for any other purpose whatever.

Moneys to  
constitute  
special fund.

SEC. 6. All moneys collected under this Act shall be paid into the city treasury as a special fund for the purposes for which they were collected, and shall not be drawn out or used for any other purpose whatever.

Compensa-  
tion.

SEC. 7. The Commissioners herein provided for shall each receive three dollars for each day devoted to their duties as such Commissioners, and they shall not receive any other fees or compensation for such services.

Repealed.

SEC. 8. All Acts and parts of Acts in conflict with this Act, so far as they conflict with any of the provisions of this Act, are hereby repealed.

SEC. 9. This Act shall take effect immediately.

## CHAP. DII.—*An Act to fix the salaries of certain officers of El Dorado County.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Terms of  
office.

SECTION 1. At the general election to be held in El Dorado County in the year eighteen hundred and seventy-

nine, and every four years thereafter, all county officers shall be elected under the general law, shall take office and hold the same until their successors are duly elected and qualified.

SEC. 2. The Sheriff of El Dorado County shall receive, in full compensation for the services of himself, Under-Sheriff, deputies, or assistants, the sum of three thousand dollars per annum, payable out of the Salary Fund of the county, and the mileage as provided by law. Compensation of Sheriff.

SEC. 3. The County Clerk of said county, to include all services rendered as County Clerk, ex officio Recorder, Auditor, Clerk of the Board of Auditors, Equalization, and Canvassers, and to include the pay of deputies and clerk hire, shall receive twenty-five hundred dollars per annum, payable out of the Salary Fund. Salary of Clerk.

SEC. 4. The District Attorney shall receive, for all services required of him by law, or by virtue of his office, a salary of twelve hundred dollars per annum, payable out of the Salary Fund. District Attorney's salary of.

SEC. 5. The County Judge shall receive an annual salary of one thousand dollars, payable out of the Salary Fund. Compensation of Judge.

SEC. 6. The County Superintendent of Schools, for all services required of him by law, to include traveling expenses, postage, and expressage, a salary of seventy dollars per month, payable out of the Salary Fund. Compensation of Superintendent of Schools.

SEC. 7. Nothing in this Act shall be construed to affect the salaries of the officers herein mentioned during the current term of the present incumbents.

# CHAP. DIII.—*An Act for the scaling of logs in the County of Humboldt.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Humboldt County shall, on or before the fifth day of May, A. D. eighteen hundred and seventy-eight, appoint three or more Surveyors of Logs, in and for said county, who shall be removable at the pleasure of said Board. Supervisors to appoint Surveyors.

SEC. 2. Such Surveyors, and each of them, shall, within ten days after their appointment, qualify by taking the oath of office prescribed for county officers, and file in the office of the County Recorder of said county a bond, in the form prescribed for county officers, with sufficient sureties, to be approved by the County Judge of said county, in the sum of ten thousand dollars, conditioned for the faithful performance of their duties. Surveyors to take oath and file bond.

SEC. 3. Such Surveyors, when appointed and qualified, shall have the exclusive right to survey, for hire, all logs that may be required to be surveyed by any buyer or seller of Right and fees of Surveyors.

logs in said county. The fees for such services shall be uniform, and shall be fixed by the Board of Supervisors at a stated sum per thousand feet, which shall be paid by the buyer and seller of logs, each paying one-half of the Surveyor's fees, except when otherwise agreed upon.

Surveyors to  
survey logs;  
measure  
of logs.

SEC. 4. It shall be the duty of said Surveyors, or any of them, upon payment or tender of the legal fees therefor, to survey any and all logs within said county which shall have been cut for the purpose of being sawed into lumber, and in making such survey the following rules shall be observed: A merchantable redwood log is defined to be at least sixteen inches in diameter at the smallest end, and at least twelve feet and two inches long. A merchantable pine, spruce, or fir log is defined to be at least twelve inches in diameter at the smallest end, and at least twelve feet and two inches long. All logs shall be surveyed by the rule known in Humboldt County as the quarter scale. The gross contents of each log, as determined by such scale, shall be plainly marked thereon with a marking iron. The Surveyor shall also, at the same time, mark on each log, in the same manner, the net contents thereof, to the best of his judgment. He shall also mark, at the same time and in the same manner, upon each log, the number of the survey at which such log was surveyed; *provided*, that when logs are surveyed in a raft, it shall be sufficient to mark the number of the survey on some large log of such raft, and in a conspicuous place. Each Surveyor appointed under this Act must provide himself with a private survey mark, different from that of the other Surveyors, which mark shall be recorded as marks and brands are now required to be recorded, and must affix such mark with a marking iron in some conspicuous place on each log surveyed by him. Each Surveyor must number every survey made by him as follows: the first survey made by him in any calendar year shall be called survey number one; the second, number two, and so on till the end of the calendar year. Each Surveyor appointed under the provisions of this Act shall, upon making any survey of logs, make out two itemized bills of the same, showing the number of logs surveyed, the gross and net contents thereof, the kind of logs, their location, the owners at whose request surveyed, and the number and date of the survey; one of such bills shall be plainly marked upon its face "original," and the other "duplicate," and both bills shall be signed by the Surveyor and delivered to the person at whose request the survey was made, within two days after making such survey.

Surveyor to  
keep book.

SEC. 6. Each Surveyor must keep a survey book, in which he shall enter, in their order, the number of every survey made by him, the number of pieces surveyed, the kind of timber, the gross and net contents of the lot, their location, the date of the survey, at whose request surveyed, and the name and private mark of the owner of the logs. Such book must be plainly and legibly kept, and shall, at all times, be open to the inspection of any interested person. In case of the death, resignation, or removal of any Surveyor appointed under the provisions of this Act, his survey book and survey

marking iron must be deposited with the County Recorder to be delivered to the successor of such Surveyor.

SEC. 7. In case of dispute between interested parties as to the contents of any raft or other lot of logs, the question may be settled by an actual test in a mill. Such test shall be made as follows: Each party shall select an equal number of logs, not exceeding twenty logs in each raft or lot, which shall be taken to a mill and sawed into lumber. The sawing shall be done to the best practicable advantage, under the supervision of some competent person to be agreed upon by the parties, and from the result so obtained an average of the amount of merchantable lumber contained in each log of the lot sawed shall be computed, which shall be taken as the average amount contained in the raft or lot.

Contents of logs disputed; how settled.

SEC. 8. In making such test, the log shall be credited with the amount of merchantable lumber that can actually be sawed from it according to the course of good manufacturing, and this is defined to be the meaning of net contents whenever the term is used in this Act. Merchantable redwood lumber is defined to be all redwood lumber trimmed and edged, twelve feet or more in length, six inches or more in width, and free from rots, rotten knots, sap, and shakes. Merchantable spruce and pine lumber is defined to be all spruce or pine lumber, trimmed and edged, twelve feet or more in length, six inches or more in width, and free from rots, rotten knots, sap, and shakes. All spruce and pine lumber, trimmed and edged, twelve feet or more in length, four inches or more in width, and free from rots, sap, knots, and shakes.

Logs; how credited.

Merchantable lumber.

SEC. 9. In case it is not convenient to make the test heretofore provided for, any interested person who shall dispute the correctness of any survey shall have the right to call a second legally qualified Surveyor to make another survey of the logs. After this, either party may have the logs again surveyed by a third legally qualified Surveyor. The third Surveyor shall be final, and the expense of the two extra surveys shall be paid by the party against whom the decision is rendered, and shall be recovered as other debts are by law recoverable.

Extra surveys

SEC. 10. All Act and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. DIV.—*An Act relating to fees of Justices of the Peace in Colusa County.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Fees for  
writing  
testimony.

SECTION 1. The Justices of the Peace of Colusa County shall be entitled to fifteen cents per folio, in all criminal proceedings, when the testimony is by law required to be taken down in writing; *provided*, that by agreement of the parties the testimony need not be taken down in writing.

SEC. 2. This Act shall take effect immediately.

CHAP. DV.—*An Act in relation to the distribution of school moneys in Fresno County.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Act not to  
apply.

SECTION 1. The provisions of an Act entitled an Act to provide for the distribution of school moneys in certain counties, approved March eighteenth, eighteen hundred and seventy-six, shall not apply to the County of Fresno.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DVI.—*An Act to fix the salary of the County Judge of San Joaquin County.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Salary of  
Judge.

SECTION 1. The County Judge of San Joaquin County shall receive a salary of two thousand six hundred dollars.

Repealed.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after the first day of January, A. D. eighteen hundred and eighty.



CHAP. DVII.—*An Act to repeal an Act entitled an Act to extend the time for selling property for delinquent taxes in the County of Alpine, approved March twenty-second, eighteen hundred and seventy-six.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An Act entitled an Act to extend the time for selling property for delinquent taxes in the County of Alpine, approved March twenty-second, eighteen hundred and seventy-six, is hereby repealed. Repealed.

SEC. 2. This Act shall take effect immediately.

CHAP. DVIII.—*An Act to incorporate the Town of Yuba City.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The inhabitants of that portion of the Township of Yuba, in the County of Sutter, within the boundaries hereinafter described, are hereby constituted a body corporate and politic, under the name and style of "The Town of Yuba City," and by that name they and their successors shall be known in law, have perpetual succession, and be invested with and have power to sue and be sued, grant, purchase, and receive property within said boundaries and no other, and may have a common seal. Corporation formed.

SEC. 2. The boundaries of the Town of Yuba City shall be as follows, viz.: Beginning on the right bank of Feather River at the intersection of the same by the south side of Oak Street, according to the map of the Hudson's tract part of Yuba City, Sutter County, California; and thence along the south side of said street to the east side of Sonoma Street of said Hudson's tract; thence along the east side of Sonoma Street southerly to the north side of "A" Street, according to the map of Joseph Ruth of the original survey of Yuba City; thence along the north side of said "A" Street forty feet, more or less, to a point in range with the west side of Fourth Street, according to said original map of Yuba City; thence across "A" Street and along the westerly side of said Fourth Street to the southerly side of "G" Street, according to the last mentioned map of Yuba City; and thence easterly along the southerly side of "G" Street to the right bank of Feather River; and thence up said right bank of Feather River to the place of beginning. Boundaries.

SEC. 3. The corporate powers and duties of said town shall be vested in a Board of Trustees, to consist of three members, who shall be elected by the qualified electors of Corporate powers and duties; how vested.

said town, on the first Saturday of May of each year, and shall hold their offices for the term of one year, and until their successors are elected and qualified; said term to begin on the second Monday after such election; *provided*, that the first Board of Trustees shall be chosen, in like manner, at some time and place to be designated by an order of the Board of Supervisors of said county, which time shall not exceed twenty days from the date of said order, and the Trustees so chosen shall hold their offices until the second Monday after the first Saturday of May, and until their successors are elected and qualified.

Trustees to  
assemble.

SEC. 4. The Board of Trustees shall assemble within ten days after the first election thereof, and choose a President from their number, and some person as Clerk, and shall, by ordinance, fix the times and places of their regular meetings, but they may be convened by the President, by written notice, at any time.

Quorum.

SEC. 5. At the meetings of the Board a majority of the Trustees shall constitute a quorum for the transaction of business. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as may have been previously prescribed by ordinance of the Board.

Board to  
judge of  
elections,  
etc.

SEC. 6. The Board shall judge of qualifications, elections, and returns of their own members; *provided, however*, that the qualifications, election, and returns of the members of the first Board shall be determined by said Board of Supervisors. The Board shall establish rules for their own proceedings, and may punish any member or other person for disorderly behavior in their presence.

Powers and  
duties of  
Trustees.

SEC. 7. The Board shall have power to pass such ordinances, not inconsistent with the Constitutions and laws of the United States and of this State, as they may deem necessary, for the government of said town, especially to declare what are nuisances, and to prevent or remove the same; to prevent any and all domestic animals from running at large within the corporate limits of the town; to regulate slaughter houses, and exclude them from the town limits; to prohibit disorderly conduct and punish the same; to license shows, and lawful games, and every kind of business carried on within the town, the rate of license not to exceed that fixed by law for State and county purposes; to regulate markets; to protect the town from fire; to lay out, alter, keep open, and repair the streets and alleys of the town; to levy and collect, annually, for town purposes, a tax on all property in the town, not exceeding one-half of one per cent. on the assessment of such property; to impose and collect a poll tax, not exceeding one dollar per annum, on every male inhabitant of said town of the age of twenty-one years or upwards.

Marshal  
appointed.

SEC. 8. Said Board shall have power to appoint some suitable person to act as Marshal, to fix his compensation, prescribe his duties, and remove him at pleasure; *provided*, that before entering upon his official duties, said Marshal shall enter into a bond, with sufficient sureties, in an amount

to be fixed by the Board and approved by them, conditioned for the faithful performance of his official duties, and payable to the town of Yuba City.

SEC. 9. At the election of Trustees, under the said order of the Board of Supervisors, there shall also be elected a Town Assessor, who shall be ex officio Town Tax Collector, who shall hold his office until the election and qualification of his successor. At each regular election of the Town Trustees there shall be elected a Town Assessor, who shall be ex officio Town Tax Collector, and who shall hold his office for one year from the second Monday after such election, and until his successor is elected and qualified. The Board of Trustees shall fix the compensation of such Assessor, who shall enter into a bond similar to that required of the Town Marshal.

Other officers to be elected.

SEC. 10. The Board shall sit as a Board of Equalization, to equalize the town assessment. Ten days' notice of said sitting shall be given, by publication and posting in three conspicuous places in the town, for not less than ten days next preceding the time fixed, and said sitting shall continue for at least two days.

Board of Equalization.

SEC. 11. The manner of making assessments, collecting the town revenue, keeping and disbursing the same, shall be fixed by ordinance, and the tax levied under this Act is hereby made a lien against the property assessed, which lien shall attach on the day of the levy, and shall not be satisfied or removed until such taxes are paid or the property has vested absolutely in a purchaser, under a sale for such taxes.

Manner of assessing and collecting.

SEC. 12. The Board shall have power to fix a fine, not exceeding five hundred dollars, or a term of imprisonment, not exceeding six months, as a penalty for the violation of an ordinance. The Sheriff of Sutter County shall receive and safely keep, until the expiration of his term of imprisonment, or until discharged by due process of law, any person delivered to him by said Marshal under a commitment from a Justice of the Peace, the town paying the expenses thereof; *provided*, that whenever sentence of imprisonment is passed upon such offender, the Justice of the Peace shall include in such sentence that such offender shall be subject to labor under the charge of the Marshal, provided any provision has been made by ordinance for carrying such sentence into effect. They may also, in any suit, tax the costs thereof against the defendant, if judgment be rendered against him.

Board to fix punishment.

SEC. 13. The Board shall create no debt nor incur any pecuniary liability beyond the amount of the town funds in their hands.

Board not to create debt.

SEC. 14. The Board shall keep an accurate account of all receipts and expenditures of town moneys, and make and publish a full report thereof one month before the annual town elections.

Board to keep account.

SEC. 15. The several Justices of the Peace within said town shall have jurisdiction:

Jurisdiction of Justices of Peace.

*First*—Of an action or proceeding for a fine, penalty, or forfeiture imposed by a breach of any ordinance of said town.

*Second*—Of proceedings respecting vagrants and disorderly persons, and they may issue such warrants of arrest as may be necessary to enforce such jurisdiction.

Members of  
Board not  
interested.

SEC. 16. No member of the Board shall in anywise be interested in any contract or sale of anything belonging to said town or business ordered to be executed by said Board.

Board to  
keep  
journal.

SEC. 17. The Board shall keep a journal of their proceedings, and at the desire of any member shall cause the yeas and nays to be taken on any question before them and entered on the journal. Their proceedings shall be public, and their ordinances shall be signed by the President and Clerk, and published at least once in a newspaper printed in the town, if there be one; otherwise, posted in three conspicuous places in the town.

Arrange-  
ments for  
elections.

SEC. 18. For the first election of Trustees, the Inspector and Judges shall be appointed by the said Board of Supervisors, and within three days after said election, the returns thereof shall be forwarded by such Judge and Inspectors to the Clerk of said Board of Supervisors, and said Clerk shall forthwith count the votes cast for Town Trustees and Town Assessor, and issue certificates of election to those having the highest number of votes for the offices for which they were respectively candidates. After the first election, the Trustees shall appoint the Election Boards and polling place or places, and the returns of each election shall be forwarded to the Clerk of the Board within three days thereafter. Within two days after receiving the returns of such election, the Board shall meet and canvass the returns, and enter in their minutes the names of the persons elected to fill the respective town offices for the ensuing year, and thereupon the Clerk of the Board shall issue certificates to the persons so declared elected.

No salary.

Vacancies.

SEC. 19. The Trustees shall receive no salary or fee whatever as such Trustees. In case of a vacancy in the Board it shall be filled by the remaining Trustees, and the person so selected shall hold until the annual election of Trustees.

Compensation  
of  
District  
Attorney.

SEC. 20. The District Attorney of Sutter County shall be ex officio Town Attorney of said town, and for his services shall receive such compensation as the Board, by ordinance or by resolution, may prescribe.

SEC. 21. The town officers shall take and subscribe the oath required by law of county officers.

SEC. 22. This Act shall take effect immediately.

CHAP. DIX.—*An Act to provide for the extermination of squirrels in certain counties.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Boards of Supervisors of the Counties of Los Angeles, Stanislaus, and Santa Barbara, are hereby authorized and directed to levy a tax of ten cents on the hundred dollars of the assessed property in said counties, the proceeds of which shall be set apart in the county treasury, and shall constitute a fund to be known as the Squirrel Fund, out of which all expenses provided for in this Act shall be paid; any amount remaining in said fund unexpended at the end of the fiscal year shall be transferred to the General Fund.

SEC. 2. The several school districts, and the City of Los Angeles, and the City of Santa Barbara, shall respectively constitute squirrel districts.

SEC. 3. The Boards of Supervisors shall appoint one person in each squirrel district, at such times and for such periods as it may deem necessary, whose duties shall be to superintend the killing of squirrels in the district, to employ the necessary labor for the purpose, and such other duties as may be prescribed by the Boards. The person appointed shall be subject in all things to the direction of the Boards, and shall be removable at their pleasure.

SEC. 4. The Boards of Supervisors shall, by orders entered in its minutes, prescribe the measures to be taken for the extermination of squirrels in their respective counties, and shall fix the pay and prescribe the duties of the persons employed in said work, but the pay shall not exceed, for the Superintendents, two dollars and fifty cents, and for the other employes, one dollar and fifty cents per day for the time actually employed. The Boards shall also purchase the poison and other supplies necessary.

SEC. 5. As often as may be necessary, the Boards shall fix a day, for each district, on which the work of exterminating squirrels shall begin, and shall give at least ten days' notice to the Superintendents of Squirrel Killing of the district. Thereupon it shall be the duty of the Superintendents to procure the necessary poison, from the Supervisors if possible, and if not, from elsewhere, and to employ the necessary help for distributing the same, and on the day fixed, and days following, to cause the squirrels to be poisoned throughout the districts. The Superintendents and their employes are hereby authorized to enter upon private lands whenever and wherever may be necessary in the performance of their duties.

SEC. 6. Warrants upon the Squirrel Fund may be drawn in anticipation of the levy and collection thereof for the years eighteen hundred and seventy-eight and eighteen hundred and seventy-nine.

SEC. 7. This Act shall take effect from and after its passage.

CHAP. DX.—*An Act to improve the stream known as Mad River and its north fork, in Humboldt County, and to facilitate the driving of logs therein.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Booms,  
dams, etc.,  
to be con-  
structed.

SECTION 1. H. G. Vance, Nelson Young, and R. Gross, their associates, assigns, and successors in interest, are hereby authorized to construct and maintain such side booms, wing dams, rolling dams, driving dams, shear boom, and other structures, in Mad River and its north fork, as may be necessary to facilitate the running and driving of logs therein, and to blast rock, remove sunken logs, drift-wood, trees, and other debris, and to improve the bed of said stream and its said north fork, so far as the same may be necessary for the purposes above mentioned, for the term of twenty years.

Expense for  
improve-  
ment; how  
regulated  
and col-  
lected.

SEC. 2. Said persons, their successors and assigns, shall use all reasonable exertions, drive all logs and other timber coming into said stream or its said fork into the booms of the Mad River Boom and Land Company with promptness and dispatch; and as compensation therefor, and for the expense incurred in the improvement of said stream and its said fork, they are hereby authorized to charge and collect, upon all logs and other lumber so driven by them from abreast of and above their said works, such tolls as shall be fixed and regulated by the Board of Supervisors of Humboldt County, and such tolls shall be a lien upon all such logs and other lumber, after they have been secured in the booms of said Mad River Boom and Land Company.

Penalty for  
not remov-  
ing logs

SEC. 3. All persons are hereby prohibited from placing or causing to be placed in said stream or its said north fork, any log that will not float, or other obstruction to navigation. Any person violating the provisions of this section may be notified, in writing, to remove such obstruction by any person damaged thereby; and in case of neglect or refusal so to do, for the space of five days, it shall be lawful for such person or persons so damaged by such obstruction to remove the same, and the reasonable expense thereof, together with all damages caused by such obstruction, shall be a charge against the person or persons so neglecting, and the same may be collected as other debts are collected in this State.

Penalty for  
placing logs  
in stream.

SEC. 4. All persons are hereby prohibited from placing or causing to be placed in said stream or its said fork, any log more than seven feet in diameter, and in case of a violation of the provisions of this section, such log may be split by the parties herein first above named, and the reasonable

expense thereof may be added to the tolls due on such log, and shall become a part of such tolls.

SEC. 5. No person shall construct or cause to be constructed any landing to be used by him, or so use the same as to obstruct said stream or its said fork, or the navigation thereof; and in case of a violation of the provisions of this section, the parties herein first named are authorized to remove such obstruction (if the same is not promptly done by the person or persons causing the same), and the reasonable expense thereof, together with all damages caused by such obstruction to the parties herein first named, may be collected by law from the owner or owners of such landing.

Obstructions  
by landings.

SEC. 6. The parties herein first named shall commence work upon the improvements herein authorized within three months from the date of the passage of this Act, and shall prosecute the same with reasonable diligence until completed.

Parties,  
when to  
commence  
work.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAP. DXI.—*An Act to amend an Act entitled an Act to provide for the protection of lands from overflow, in the County of Yuba, approved March second, eighteen hundred and seventy-four.*

[Approved March 30, 1873.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three of an Act entitled an Act to provide for the protection of lands from overflow, in the County of Yuba, approved March second, eighteen hundred and seventy-four, is amended so as to read as follows: Section three. The Board of Supervisors must then, by an order fixing the time and place, and appointing officers therefor, call a special election, to be held within twenty days, in the district, for the election of three Directors, and one Assessor, and one Tax Collector, who must be owners of land in the district, and must give notice of such election by posting notices, stating the time, and place, and object of the election, not less than five days before the day appointed, in three of the most public places of the district. The election shall be conducted, as nearly as practicable, in conformity with the general election law of the State; *provided, however*, that no person shall be a qualified elector at any such election unless he be the owner of real or personal property within such district, upon which he is assessed for taxes for State and county purposes within said county. The officers of election shall, after counting the votes, immediately make and deliver certificates of election to the persons elected, who must, within ten days, take the oath of office and have the same indorsed upon the certificates, and enter upon the discharge of their duties; and in case any person elected

Amended,  
Supervisors  
to call  
special  
election.

Directors  
to meet.

shall fail, for ten days after election, to qualify, his office shall be vacant. The officers so elected shall hold office for two years, and until their successors are elected and qualified. The Directors so elected shall, within ten days after their election, meet and from their number appoint a Chairman and a Clerk, and must, every two years thereafter, call an election of the qualified electors of the district, in the manner and for the election of the officers named in this section. In case any person elected under the provisions of this section shall fail to qualify, or a vacancy shall arise by death or otherwise, in any of the offices named, the Board of Supervisors shall appoint some freeholder of the district to fill the vacancy for the unexpired term.

Directors to  
purchase  
and con-  
demn prop-  
erty.

SEC. 2. Section eight of said Act is amended so as to read as follows: Section eight. The Board of Directors may contract, agree for, and purchase, or pay for the construction of, or acquire by condemnation, any canals, levees, embankments, or other necessary works already constructed, and the right of way for levees, embankments, canals, or other works necessary for the protection of the lands of the district, and for material for the construction, maintenance, and repair thereof, from lands outside of as well as within the limits of the district. The condemnation of property herein provided for must conform to and be in accordance with the provisions of Title Seven, of Part Three, of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose.

Trustees  
to levy tax.

SEC. 3. Section nine of said Act is amended so as to read as follows: Section nine. The Board of Directors shall meet annually, on the third Monday of April, and must levy a tax sufficient for levee purposes, not to exceed, however, four per cent. upon all taxable property in said district. They shall also, as soon as practicable, adopt a mode of reclamation, and for that purpose may employ any competent engineer as soon as said mode of reclamation has been adopted. Plans and specifications of the same shall be filed by the Board of Directors in the County Clerk's office, if for the construction of new or additional works.

Accounts;  
how paid.

SEC. 4. Section twelve of said Act is amended so as to read as follows: Section twelve. The Board of Directors, upon the delivery to them by the owner of a deed of conveyance, or a verified account of a person to whom compensation is due for the construction of any canal, levee, embankment, or other work necessary for the protection of the lands of the district, or for the right of way for any canal, levee, embankment, or other necessary work, or for the right to take materials for the construction, maintenance, or repair thereof, or when any section or specified portion of the work under contract shall have been completed and the work approved by them, shall approve the account therefor, if correct, and forward the same to the Board of Supervisors, with their certificate that the same is correct. The Board of Supervisors shall, if they find the account correct, order the County Auditor to draw, and the County Auditor must draw his warrant upon the County Treasurer for the amount of



the account approved, payable out of the fund belonging to the district. Such warrants shall be paid out of any money in the county treasury belonging to the district, in the order of their presentation, and they shall be receivable by the Tax Collector in payment of any tax levied in said district under the provisions of this Act.

CHAP. DXII.—*An Act supplemental and amendatory of an Act entitled an Act to incorporate the Town of St. Helena, approved March twenty-fourth, eighteen hundred and seventy-six.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two of said is hereby amended so as to read as follows: The corporate limits of the Town of St. Helena shall be as follows, to wit: Commencing at a point in the center of Napa River in a direct line northeasterly from the continuation of the westerly side of Sulphur Springs Avenue (being the easterly line of Dr. G. B. Crane's homestead); thence southwesterly in a direct line to the end of Sulphur Springs Avenue to the county road; thence following the said westerly and northerly line of said Sulphur Springs Avenue until the intersection of said line with the line of the Tracy survey in the foothills; thence northwesterly following the line of said Tracy survey until the same intersects that part of A. B. Forbes' land which lies easterly of said Tracy line; thence easterly along the line between said Forbes' land and J. York's land to the York Creek; thence up said York Creek to the said Tracy line; thence northerly along said Tracy line to a point opposite the most westerly boundary of Charles Krug; thence northwesterly to said Krug's westerly line; thence on said line to the center of Napa River; thence down said river to the place of beginning. The said territory so described shall form a separate road district in Napa County, and all the public highways, streets, roads, and alleys within the same, that are now open as such, are hereby declared public highways, and under the control of the said corporation.

SEC. 2. Section twelve of said Act is hereby amended so as to read as follows: The Board of Trustees are hereby authorized and empowered to enact such by-laws and ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary or proper in the exercise of the powers herein conferred upon them. The Board of Trustees shall have power:

*First*—To manage and take care of the property and finances of the town.

*Second*—To provide for laying out, opening, widening, extending, altering, vacating, working, grading, improving, Streets, etc., to be worked.

and repairing streets, avenues, and alleys, and public parks and squares, and for preventing and removing nuisances or obstructions therein, and for acquiring or condemning lands for town purposes and highways, by purchase or by proceedings prescribed by this Act.

*Third*—To establish the grade of all streets, avenues, and alleys, and to require conformity thereto.

*Fourth*—To provide for the drainage and sewerage of the town.

*Fifth*—To establish and regulate a fire department, and provide such means, measures, or material for the prevention or extinguishment of fires as they may deem necessary to protect the town from fire.

Gas and  
water to be  
provided.

*Sixth*—To provide the streets and town buildings with all gas and water necessary for their proper use, and to grant to any gas or water company authority to lay down pipes in the streets, avenues, and alleys of the town, for the supply of gas or water for the streets and buildings, for a term not exceeding twenty-five years; but they shall reserve the right to grant similar privileges to other companies, and shall require the laying down of pipes to be under the reasonable direction of the town authorities, and to be so laid as to do no injury to the proper use of the paving, planking, or macadamizing of the streets, avenues, or alleys, nor to property situated thereon, and they shall impose such restraints and conditions upon the location and construction of gas and water-works, and pipes, as shall secure the least possible public or private inconvenience, and they shall provide for the enforcement of such restrictions and conditions; they may contract with gas and water companies for supplying the streets, public buildings, and cisterns with necessary gas and water for the public use; but no contract shall extend beyond the term of office of the members of the Board making such contract; *provided*, that the town shall not contract nor become liable to pay more than one-half of the expense of lighting streets, and no street, avenue, or portion thereof shall be lit with gas until the persons petitioning for the same shall contract with the company furnishing gas to pay at least one-half the expense of lighting.

Places of  
amusement;  
license of.

*Seventh*—To license, and impose, and collect a license tax upon theaters, concerts, circuses, shows, and other entertainments and exhibitions to which an admission fee is charged; also, upon bars at which spirituous or malt liquors are sold; also, upon billiard tables and bowling alleys kept for gain or hire; and they may impose a license tax upon any and all businesses not prohibited by law.

Immoral  
amusements  
suppressed.

*Eighth*—To prohibit and suppress gaming and gambling houses, and dance-houses, fandangos, disorderly houses, and houses of ill-fame, immoral or indecent amusements, exhibitions, or shows, nuisances of every description, and all kinds of vice, immorality, and disorderly conduct.

Property  
tax.

*Ninth*—To levy and collect, annually, a tax on all property in the town, not exceeding fifteen cents on each one hundred dollars of the assessed valuation thereof, and to provide the manner of making assessments and of collecting such tax;

taxes so levied shall become a lien upon the real estate chargeable therewith, from the first Monday in March preceding the levy and until paid, and such lien shall take precedence of all mortgages and other liens, except the lien for State and county taxes.

*Tenth*—To construct sidewalks in said town as follows: Sidewalks; how constructed.  
When the owners of more than one-half of the frontage on any street, between the center lines of two cross streets, shall petition for a sidewalk along said frontage, and for the whole distance between said cross streets, the Board of Trustees shall determine the kind of sidewalk to be constructed, give notice thereof to all the property holders fronting on said sidewalk, and require each of them, within a time prescribed by said Board, to construct the same the whole distance of his frontage. If any property holder fails so to construct his part of said sidewalk within said time, then said Board shall have the same constructed and collect from him, by an action in the name of the Town of St. Helena, the expense of said construction, in any Court having jurisdiction thereof; *provided*, that the cost of all other works and improvements in said town provided for in this Act shall be paid out of the General Fund in the town treasury.

*Eleventh*—To impose and collect a poll tax, not exceeding three dollars per annum, on every male inhabitant between the ages of twenty-one and sixty years, and to enforce the payment thereof by the sale of the property or otherwise, and also to impose and collect a road poll tax, not exceeding said sum, from the same class of persons.

*Twelfth*—To impose and collect a tax of not exceeding five Poll tax. dollars per annum on every dog found at large within the corporate limits of the town, which said dog tax shall be collected by the Town Marshal.

*Thirteenth*—To regulate or prevent the keeping of gunpowder and other dangerous or inflammable substances within the town.

*Fourteenth*—To require any land or building to be cleaned Land to be cleaned. at the expense of the owner or occupant, and upon his default, after notice, to cause the work to be done, and to assess the expense upon the land or building.

*Fifteenth*—To prohibit and prevent the running at large Animals running at large prevented. of any or all domestic animals within the limits of the town, and to establish and maintain a pound for such animals, and to appoint a Poundmaster, or confer the duties of Poundmaster upon the Marshal, who shall be paid out of the fines collected from the owners of animals impounded, or from sale of such animals, and from no other source.

*Sixteenth*—To prescribe penalties and forfeitures for the Penalties and forfeitures. breach or non-observance of the town ordinances; but no penalty shall be imposed on any person for any one breach of any ordinance exceeding one hundred dollars; such penalties may be recovered before any Justice of the Peace having his office within the corporate limits of the town, or before the Town Recorder, by civil suits brought by the Town Attorney in the name of the corporation and against

the person violating an ordinance; and an execution to collect the same shall be issued as in other civil cases; and in such cases, persons living in the town, if in other respects competent and qualified, shall be competent jurors; and when judgment is rendered in any such action, for the town, there shall be taxed, as costs, against the defendant, in addition to other costs, the sum of ten dollars, which the Town Attorney shall receive as his fee. All fines so collected shall, by the officer receiving the same, be paid over to the treasury of the town; *provided*, that under no circumstances shall the town be liable for the fees of the Attorney.

Trustees  
to provide  
punishment.

*Seventeenth*—The Board of Trustees may provide for the punishment, by fine or imprisonment, of an act prohibited by an ordinance; in which case such act is hereby declared to be a misdemeanor, which may be prosecuted and punished in like manner as misdemeanor created by statute; *provided*, that no fine for any one offense shall exceed one hundred dollars, and no judgment of imprisonment for any one offense shall exceed fifty days.

Repealed.

SEC. 3. Eleven sections, from nineteen to thirty, inclusive, of said Act, are hereby repealed.

Trustees to  
construct  
drains,  
sewers, etc.

SEC. 4. Section thirty-one of said Act is hereby amended so as to read as follows: The Board of Trustees may at any time, without petition, provide for establishing grades, and for constructing and laying down drains, sewers, and culverts, and for repairing streets, avenues, or alleys, or portions thereof, so as to render them susceptible of convenient use; *provided*, that all such improvements, costing each not more than fifty dollars, may be awarded on private contract by the Board on the best terms to be obtained, and that if such improvement cost more than said sum, it shall be awarded to the lowest bidder, to be ascertained by publishing a notice two weeks in some newspaper, or posting in five public places in said town, inviting sealed bids, describing the work to be done, and naming the time when the bids will be opened by the Board. But the Board shall require bond, with good personal security, from any bidder, for the performance of his contract, and if he fail to give such bond, may reject his bid; and the said Board of Trustees may, at any time, with or without petition, proceed to open a new street, or widen any of the existing streets in said town; *provided*, that they shall give notice to all property holders on such street or streets of their intended action, and requiring said property holders, if they claim damages, to appear before said Board at a time to be fixed in said notice, at which time said property holders, or either of them, may petition said Board to appoint three Commissioners to examine and report on the said improvement. The Board shall immediately appoint three disinterested property holders to act as such Commissioners, who shall immediately proceed to estimate the damages, if any, of all such property holders claiming the same, and make report in writing thereof to said Board; whereupon said Board shall appoint a time and place for hearing testimony on oath, to be administered by any member of said Board, and allegations of said Commissioners and

Trustees to  
open street.

Commissioners  
appointed,  
duties of.

property holders on the question of damages, of which hearing notice shall be given to said claimants of damages. After hearing the testimony and allegations, said Board shall decide whether said improvement shall be made, and to what amount of damages each claimant shall be entitled. If the said Board shall decide to make such improvement, they shall tender to each claimant the amount so found by them before commencing said improvement. But said Board, for good reason, before a final decision, shall have power to appoint other Commissioners, qualified as aforesaid, in which case the proceedings shall be the same in deciding all questions relating to said improvement as above set forth. In cases in which no claim for damages shall be made, said Board may open new and widen existing streets, with or without petition, and with or without appointing Commissioners, at their option. Said Street Commissioners shall serve without pay, and shall take and subscribe an oath before a competent officer, prior to entering upon the discharge of their duties, to faithfully perform the same according to the best of their ability.

SEC. 5. Section thirty-two of said Act is hereby amended so as to read as follows: Whenever Commissioners are appointed by the Board of Trustees, as aforesaid, to view the location of a new street, or the widening of an existing one, it shall be their duty in assessing damages to estimate and take into the account the benefits of the improvement to the claimants. The decision of the Board of Trustees of said town shall be final, and the parties to whom damages are awarded, as aforesaid, shall forfeit all right to recover the same, if they shall refuse to accept the same tendered for ten days.

Damages;  
how estimated.

SEC. 6. The Town of St. Helena shall constitute Road District Number Nineteen, and the Roadmaster of said district shall collect all road poll taxes in said district and issue receipts therefor; such receipts shall be issued to the Roadmaster by the Treasurer of said town, and said Roadmaster shall settle with said Treasurer, from time to time, as directed by the Board of Trustees of said town. All the authority conferred by the road law of Napa County upon Roadmasters, for enforcing the collection of the road poll tax, is hereby conferred upon and made applicable to the Roadmaster in the Town of St. Helena. Said Roadmaster shall give bonds, within ten days after his appointment, with two or more sureties, to be approved by said Board of Trustees, in such sum as they may fix; and said Roadmaster shall not be required to give bond or make settlement with any other officer of Napa County.

Duty and  
authority  
of Road-  
master.

SEC. 7. Whenever, in this Act, publication in some newspaper is required, it shall be lawful to post in three public places instead of said publication.

Publication  
necessary.

SEC. 8. In said Act section thirty-eight is hereby amended so as to read as follows: All taxes levied upon property or persons, within the limits of the said corporation, for road purposes, under the laws of Napa County (except such taxes as may be levied for the Contingent Road Fund, and to pay off

Moneys paid  
into treas-  
ury.

existing indebtedness), and all moneys received from the sale of licenses for business within said Town of St. Helena, under the laws of this State, shall be paid by the Tax Collector of the county into the town treasury at the same time as is required by law for payment of other taxes into the county treasury; and he shall take the receipt of the Town Treasurer, and file the same with the County Auditor, who shall credit the Collector with the amount thereof; *provided*, that hereafter the Board of Supervisors of the County of Napa shall not impose or collect any road poll tax in said Town of St. Helena.

President to  
administer  
oaths.

SEC. 9. The President of the Board of Trustees of said town shall have power to administer oaths to sureties on bonds provided for in this Act, and the Act of which this is amendatory, and in all other cases in which oaths may be necessary or proper in the business before them.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAP. DXIII.—*An Act to supply the Town of Oroville with water for fire purposes.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Boundaries  
of fire  
limits.

SECTION 1. The boundaries of the fire limits of the Town of Oroville are hereby established so as to include all of the territory situated within the limits of the town site of Oroville, as entered by Judge Safford, and known as the town site of Oroville.

Board of  
Fire Com-  
missioners.

SEC. 2. T. W. Reece, Thomas Callow, and William Schneider are hereby appointed Commissioners, to be known as the Board of Fire Commissioners of the Town of Oroville, who shall serve without compensation.

Commission-  
ers to call  
election.

SEC. 3. The Board of Fire Commissioners in the Town of Oroville are hereby authorized and required, within twenty days after an agreement with the Oroville Water Company as to terms of attaching fire plugs or hydrants to their water pipes, to call an election and submit to the electors residing within the said fire limits the question whether a tax shall be raised for the purpose of furnishing further facilities for protecting the town against loss by fire.

Notices  
posted.

SEC. 4. Said election must be called by posting notices in three of the most public places in the Town of Oroville, for not less than fifteen days, and also, if there is a paper in the town, by advertising therein at least two issues.

Notice to  
specify what.

SEC. 5. Such notice must specify the time and place of holding the election, and the amount required for each specific purpose; and the amount of money to be raised shall not exceed one per cent. of the assessable property within the said limits.

SEC. 6. The Board of Fire Commissioners must appoint three Judges to conduct the election, and it must be held in all respects, as nearly as practicable, in conformity with the general election law; *provided*, that no new register shall be required, nor legal ballot paper; *provided further*, that no compensation shall be paid said Judges.

Commissioners to appoint Judges.

SEC. 7. At such election the ballots must contain the words, "Tax—Yes," or, "Tax—No," and also the name of one person as Assessor, and one as Collector. The same person may be elected to both offices. The compensation for assessing and collecting the tax shall be fixed by the Board of Fire Commissioners, but shall not exceed one hundred and fifty dollars.

Ballots; what to contain.

SEC. 8. The Judges of Election shall, within twenty-four hours after holding said election, make returns and certify said votes, and the names of the person or persons voted for, to the said Board of Fire Commissioners, and within five days after the returns have been received by the Board of Fire Commissioners they shall count the votes, determine who has been elected, and forthwith issue certificates of election to the persons elected for Assessor and Collector.

Judges to make returns.

SEC. 9. The Assessor, on receiving his certificate of election, must forthwith assess, in the manner provided for County Assessor, all the taxable property in said town, and within thirty days return his roll, footed up, to the said Fire Commissioners. The said Fire Commissioners, upon receiving the roll, must deduct fifteen per cent. therefrom for anticipated delinquencies, and then by dividing the sum voted, together with the estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent. required; and the rate so ascertained (using the full cent on each hundred dollars in place of any fraction) is hereby levied and assessed to, on, or against the persons or property named or described in the roll, and is a lien on all such property until the tax is paid; and the tax, if not paid within the time, shall be delinquent, and must be collected in the manner prescribed in sections one thousand eight hundred and forty-five to one thousand eight hundred and fifty-two, both inclusive, Chapter Three, Article Nineteen, of the Political Code, which said sections are adopted as the provisions of this Act.

Assessment to be made.

SEC. 10. The Board of Fire Commissioners, upon receiving the assessment roll from the Assessor, must give five days' notice thereof by posting a notice in three public places in the said town, and sit for at least three days as a Board of Equalization, at such time and place as has been named in such posted notices; and they have the same power as County Boards of Equalization to make any changes in the assessment roll.

Board of Equalization.

SEC. 11. As soon as the rate of taxation has been determined, as provided in the preceding sections, the said Board must place the tax list or roll in the hands of the Collector, who shall then give notice by publication in some newspaper published within the Town of Oroville, that the said tax is now due and payable in his office, and unless paid within

Taxes, how collected; delinquent taxes.

thirty days will be delinquent. He must proceed at once to collect the tax, and within thirty days return the tax list to the Board, with the word "paid" marked opposite the name of each person or description of property from whom, or on which he has received the tax; and he must also, at the same time, file with the said Board the County Treasurer's receipt for all the moneys by him collected, and the property on the roll not by the Collector marked "paid" is delinquent.

Treasurer  
to keep  
money.

SEC. 12. All moneys arising from the tax herein authorized to be levied and collected shall be kept by the Treasurer of Butte County, subject only to the said Board of Fire Commissioners.

No compensa-  
tion.

SEC. 13. The Treasurer of Butte County shall receive no compensation for the receipt and disbursement of moneys derived under the provisions of this Act.

Bond  
required.

SEC. 14. The Collector must execute an official bond, in an amount to be fixed by the Board of Fire Commissioners.

Commission-  
ers to make  
connection  
with pipes.

SEC. 15. The Board of Fire Commissioners are hereby directed and empowered to make all necessary arrangements for the purchase of rights of making connections with the pipes of the Oroville Water Company, for twenty or more fire plugs or hydrants, in such part of the town as they shall deem best for the common interest, and also for purchasing fire hose and carriages, subject, however, to the provisions hereinbefore contained.

Record shall  
be kept.

SEC. 16. They shall procure all necessary books and blanks for the purpose of keeping a correct record of their proceedings, and they shall keep a record of all of their acts, of all moneys received and disbursed by them, which said books shall be open to public inspection at all times.

Election  
held.

SEC. 17. An election shall be held annually, on the first Monday of April, for the election of three Fire Commissioners, who shall take their office on the next succeeding Monday in the same month, and it shall be the duty of the Board of Fire Commissioners to give notice of such elections, by posting notices thereof in three public places in the town, for at least two weeks before the day of election. They shall also appoint the Judges of Election.

Commission-  
ers to turn  
over books,  
etc.

SEC. 18. Each Board of Fire Commissioners shall, at the expiration of their term of office, turn over to their successors all the books and documents belonging to the office of Fire Commissioners, taking their receipt for same.

SEC. 19. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 20. This Act shall take effect and be in force from and after its passage.



CHAP. DXIV.—*An Act to declare Smith River, in Del Norte County, navigable.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Smith River, in Del Norte County, is hereby declared navigable for a distance of four miles above its mouth. River declared navigable.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DXV.—*An Act to fix the terms of the County and Probate Court of the County of San Mateo.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Regular terms of the County Court of the County of San Mateo shall be held on the second Monday in April, August, and December, in each year, and continue until the business of the term shall be disposed of, or the term may be adjourned, from time to time, as the Court may direct. County Court; when held.

SEC. 2. Regular terms of the Probate Court of the County of San Mateo shall be held on the Tuesday following the second Monday in April, August, and December, in each year, and each term shall continue, from time to time, as the Court shall direct, until the opening of the next term. Probate Court; when held.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage and approval.

CHAP. DXVI.—*An Act to divide the County of San Bernardino into Supervisor Districts, and to provide for the election and term of office of Supervisors in said county.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The County of San Bernardino is hereby divided into three Supervisor Districts, as follows: The First Supervisor District of said county shall embrace all that Supervisor Districts defined.

Supervisor  
Districts  
defined.

part of said county described as follows: Beginning at the point on the southwestern boundary line of the County of San Bernardino where the Santa Ana River crosses said line; thence southeasterly along the said boundary line to the boundary line of the County of San Diego; thence northerly and easterly along the boundary line between the Counties of San Bernardino and San Diego to the southeast corner of township three south, three west, of San Bernardino base and meridian; thence north to the northeast corner of said township; thence west to the northwest corner of said township; thence north to the southeast corner of township one south, four west, of San Bernardino base line and meridian; thence west to the southwest corner of said township; thence to the center of the stream of the Santa Ana River at nearest point to said last township corner; thence southwesterly down the center of said Santa Ana River to the place of beginning. The Second Supervisor District of said county shall embrace all that part of said county described as follows: Beginning at the point on the southwestern boundary line of the County of San Bernardino where the Santa Ana River crosses said line; thence westerly along said boundary line to the southwest corner of said county; thence northerly along said westerly boundary line of said county to the point where said county boundary line crosses the township line between townships one and two north, of San Bernardino base line; thence east along said line between said townships to the northwest corner of township one north, range five west, of San Bernardino base line and meridian; thence south to the southwest corner of said township; thence east to the southeast corner of said township; thence southerly to a point on the southerly side of Slover Mountain at a station point on the westerly boundary line of the Rancho of San Bernardino; thence southerly along the westerly boundary line of said rancho to the center of the stream of the Santa Ana River; thence southwesterly along the center of the stream of said Santa Ana River to the place of beginning. The Third Supervisor District of said county shall embrace all that part of said county not included in Supervisor Districts first and second hereinbefore described.

Districts  
to elect  
Supervisors.

SEC. 2. At the next general election held in said county, at which county officers are to be elected, and at the general election of county officers each two years thereafter, there shall be elected in and for said county, a Board of Supervisors, consisting of five Supervisors, as follows: One Supervisor shall be elected by the qualified electors of the First Supervisor District, one by the qualified electors of the Second Supervisor District, and three by the qualified electors of the Third Supervisor District in said county; all and each of whom shall hold office as such Supervisors of San Bernardino County for two years from and after the first Monday in January next after their election, and until their successors are elected and qualified according to law.

Supervisors;  
how long to  
hold office.

SEC. 3. The Board of Supervisors of said county shall remain as at present constituted, and the present Supervisors shall hold office as such until the first Monday in January

next after the first general election held subsequent to the passage of this Act, at which time the Supervisors elected under this Act shall go into office.

SEC. 4. The Supervisors of said county, for all services required of them by law or by virtue of their office, shall receive each five dollars per diem when in session, and twenty cents per mile traveled from their place of residence to the Court-house; *provided*, that only one mileage shall be allowed at each term, and the compensation during any one year, including mileage, shall not exceed, in the aggregate, to any member of the Board, the amount of three hundred dollars.

Per diem of Supervisors.

SEC. 5. All Acts or parts of Acts, in so far as the same may conflict with the provisions of this Act, are hereby repealed.

CHAP. DXVII.—*An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco is, in its discretion, authorized and empowered to appropriate, allow, and order paid out of the General Fund of the City and County of San Francisco, the sum of thirty-six thousand eight hundred and seventy-five (\$36,875) dollars, to Henry F. Williams, interest equitably due him by reason of neglect, refusal, and non-fulfillment of contract on part of the executive officers of the City and County of San Francisco, from the fifteenth day of November, A. D. eighteen hundred and sixty-nine, up to the thirteenth day of April, A. D. eighteen hundred and seventy-two, upon the sum of money allowed him, and specified in the report of O. F. Willey, Charles F. Hamilton, and John Mason, Commissioners appointed under an Act of the Legislature of the State of California entitled "An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets," approved March thirtieth, eighteen hundred and sixty-eight, and their report filed under and in pursuance of the Act of said Legislature amendatory thereof and supplementary thereto, approved February 1st, A. D. eighteen hundred and seventy, and which said report was filed January sixth, A. D. eighteen hundred and seventy-one, and confirmed by the judgment of the County Court on the fourth day of April, A. D. one thousand eight hundred and seventy-one.

Appropriation to pay claim.

SEC. 2. The Auditor of said City and County of San Francisco may, on said sum being directed to be paid by the said Board of Supervisors, audit the same, and draw war-

Sum; how paid.

rants on the Treasurer of the City and County of San Francisco, payable out of the General Fund, for the sum of money allowed; said warrants payable, respectively, in one, two, three, and four years after date, and drawing interest at the rate of six per cent. per annum—interest to be paid semi-annually; and the Treasurer of the City and County of San Francisco may pay each of said warrants and interest, at maturity, out of the General Fund of the treasury of the City and County of San Francisco, and it shall be the duty of the Board of Supervisors aforesaid, at the time they make the annual levy of taxes, to include a sum sufficient to pay said warrants and interest aforesaid.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. DXVIII.—*An Act to provide for the opening and extending of Tehama Street, in the City and County of San Francisco.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Street  
extended.

SECTION 1. The following described pieces of land, situated in the City and County of San Francisco, that is to say: First, commencing at a point on the northerly line of Hubbard Street, distant one hundred and sixty-five (165) feet southeasterly from the northerly corner of Hubbard and Howard Streets; thence in a northeasterly direction parallel with Howard Street one hundred and twelve (112) feet six (6) inches; thence in a southeasterly direction and parallel with Hubbard Street thirty-five (35) feet; thence in a southwesterly direction and parallel with Howard Street one hundred and twelve (112) feet six (6) inches; thence in a northwesterly direction and along the line of Hubbard Street thirty-five (35) feet, more or less, to point of beginning. Second, commencing at a point on southerly line of Hubbard Street, distant one hundred and sixty (160) feet in a southeasterly direction from southerly corner of Hubbard and Howard Streets; thence in a southwesterly direction and parallel with Howard Street one hundred and twelve (112) feet six (6) inches; thence in a southeasterly direction and parallel with Hubbard Street thirty-five (35) feet; thence in a northeasterly direction and parallel with Howard Street one hundred and twelve (112) feet six (6) inches to Hubbard Street; thence along said line of Hubbard Street in a northwesterly direction thirty-five (35) feet, more or less, to point of beginning, are hereby taken and dedicated as a part of an extension of Tehama Street, an open and public street, and when paid for, as hereinafter provided, the title thereto shall vest in said city and county, for such purpose, forever, as the title of the other portions of said Tehama Street and of other public streets in said city and county now is vested.

SEC. 2. The said street, so as above dedicated, shall be paved, sewered, and sidewalked in the same manner as is now provided by law to pave, grade, sewer, and sidewalk similar streets in said city and county. Street; how worked.

SEC. 3. The value of the land taken for the opening and extending of Tehama Street, as aforesaid, and the damages to improvements thereon, or adjacent thereto, injured thereby, and all expenses whatsoever incident to the opening of said street as aforesaid, shall be held to be the cost of opening and extending said street, and shall be assessed upon the district hereinafter described as benefited by said opening, in the manner hereinafter described. Cost of opening.

SEC. 4. The district benefited by said improvement, and upon which the cost of making the same shall be assessed, is hereby described and designated as follows: Commencing at the northeasterly corner of Third and Tehama Streets, thence easterly and parallel to the south line of Howard Street to the west line of Hubbard Street; thence northerly along the west line of Hubbard Street sixty feet; thence at right angles easterly and parallel to the south line of Howard Street across Hubbard Street to the east line of said Hubbard Street; thence southerly along the east line of Hubbard Street sixty feet; thence at right angles easterly and parallel to the south line of Howard Street to the northwesterly corner of Tehama and Second Street; thence southerly along the west line of Second Street to the southwesterly corner of Second and Tehama Street; thence westerly and parallel to the north line of Folsom Street to the east line of Hubbard Street; thence southerly along the east line of Hubbard Street sixty feet; thence at right angles westerly and parallel to the north line of Folsom Street across Hubbard Street to the west line of said Hubbard Street; thence northerly along the west line of Hubbard Street sixty feet; thence westerly and parallel to the south line of Folsom Street to the southeasterly corner of Tehama and Third Streets; thence northerly along the east line of Third Street to the northeasterly corner of Third and Tehama Street, the point of commencement. District described.

SEC. 5. The County Court of the City and County of San Francisco shall appoint three persons, who are hereby constituted a Board of Commissioners, for the purpose of carrying out the provisions of this Act, shall possess all the powers and perform all the duties prescribed in this Act. Before entering upon the discharge of their duties, each of said Commissioners shall take and subscribe an oath, before the County Judge of said city and county, that he will, to the best of his ability, and without fear or favor, perform all the duties required of him, by this Act, and that he has no interest in any of the land designated as taken, or assessed for, or injured by said proposed street; which oath shall be filed by the Clerk of the County Court. Any vacancy occurring in said Board shall be filled by the County Court of the City and County of San Francisco, by an order to be made on the application of the surviving or remaining member or members of said Board, after ten days' notice, by advertise- Court to appoint Commissioners; their duties, powers, etc.

Court to appoint Commissioners; their duties, powers, etc.

ment published in such newspaper as said Court shall direct, of the time and place appointed for the hearing of such application. Upon the day appointed for such hearing, or upon any day to which the same may be adjourned, said Court shall hear all parties interested, who may desire to be heard upon or in regard to said application, and shall thereupon appoint some suitable person, who shall be a resident and property owner in said city and county, whose property is not taken or liable to be assessed for said street, to fill such vacancy, and the person so appointed shall thereupon enter upon the duties of his office as such Commissioner, with like power and authority, and qualify in like manner as if herein named as such. Each of the members of said Board may administer oaths to any person to be examined by or before them touching any of the matters embraced in the provisions of this Act, but no charges shall be made therefor. Said Commissioners shall receive a compensation, to be fixed by the County Court, for their services. The said Board may also allow and pay such sums as may be necessary and reasonable for clerks, draughtsmen, surveyors, attorneys, and other incidental expenses. The said Board shall adopt and procure an official seal, which may be used to verify their official acts. The said Board may issue certificates of indebtedness under their official seal, and the signatures of a majority of said Commissioners, for preliminary and incidental expenses; *provided*, that the entire fees, costs, and expenses of Commissioners, clerks, assistants, attorneys, and all other matters, exclusive of the damages allowed for land taken, shall not exceed one thousand dollars; *and provided further*, that no claim against the City and County of San Francisco shall ever arise under or in consequence of this Act, or the proceedings under the same.

Board to employ certain officers, and rent office.

SEC. 6. Said Board may employ a Secretary, and such attorneys, clerks, draughtsmen, searchers of records, and other assistants, as they may deem necessary and proper, and shall allow them a reasonable compensation, but at the rates not exceeding those ordinarily paid for like services by private parties. They shall rent and furnish a suitable office for the transaction of its business; *provided*, that the rent of said office shall not exceed fifty dollars per month, and the cost of furnishing the same shall not exceed two hundred dollars; *and provided further*, that no allowance for rent or services shall be made for a longer period than six months.

Commissioners to publish notice.

SEC. 7. As soon as convenient after their appointment, said Commissioners shall publish a notice, for not less than thirty days, in two of the daily papers printed in the City of San Francisco, informing property owners along the line of said proposed street, and within the district to be assessed, that the Board is organized, and inviting all persons owning land which is to be taken for the opening of said street, or which is to be assessed for the cost thereof, as the same is defined in this Act, within 10 days from the date of the first publication of said notice, to file with said Board maps of their respective subdivisions of land and copies of the deeds, leases, mortgages, or other instruments, under which they

respectively claim, or a description of their property, with a specification of their interests therein, and a reference to the place and books of record of the instruments under which they so claim; and said advertisement shall also notify all persons owning, or claiming, or occupying, or having any title to property which they consider will be injuriously affected in value by the opening of said street, over and above the benefits accruing to their property from such opening, to file like maps, and copies of deeds, and other instruments, or specifications and descriptions, with a brief statement of the reasons why, or respecting which, their property will be affected.

SEC. 8. At the expiration of the 30 days mentioned in section (7) of this Act, the said Board of Commissioners may cause to be made, or may adopt such surveys, plans, diagrams, deeds, abstracts of title of property, or any other matter for data as, after examination, shall meet its approval; it may also alter, modify, or reject the same, or any part thereof, and cause to be made new surveys, plans, maps, abstracts of title, or other exhibits, necessary or convenient for the prosecution of its duties under the provisions of this Act. The said Board of Commissioners, having adopted surveys, plans, maps, or other working exhibits, as hereinbefore mentioned, shall proceed to ascertain, and determine, and separately state and set down in a written report to be signed by at least a majority of said Board, the description and actual cash value of the several lots and subdivisions of land included in the land taken for said opening of Tehama Street, and the amount of damages that will be occasioned to the property along the line, and within the course of said street, and within said district. In making said report, said Board shall severally specify and describe each lot, subdivision, or piece of property taken or injured, and shall set against each lot, subdivision, or piece of property, the names of the owners, occupants, and claimants thereof, or of persons interested therein, as lessees, incumbrancers, or otherwise, and the particulars of their interests, respectively, so far as the same can be reasonably ascertained, and the amount of value or damages determined upon for the same, respectively. If, in any case, said Board shall find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any parcel of land, or of any interest therein, it shall be set down as belonging to unknown owners. Said Board shall also proceed to ascertain, and determine, and separately state and set down in the report, a description of the several subdivisions and lots of land included in the district defined in this Act, and opposite to such description shall set against each lot or subdivision the sum or amount in which, according to the judgment and determination of said Board, the said lot or subdivision has been, or will be, benefited by reason of the taking and opening of said Tehama Street, relatively to the other lots or subdivisions, respectively, within said district. Said Board shall also set against each lot or subdivision, as aforesaid, the names of the owners, occupants, and claimants thereof, as far

Powers of Commissioners to adopt surveys, plans, etc.

Report; what to contain.

Report open  
to inspection.

Persons dissatisfied.

Board to  
review and  
correct  
report.

as the same can be ascertained by said Board, and when the said owner cannot be conveniently ascertained the same shall be set down as belonging to an unknown owner. Such report, as soon as the same is completed, shall be left at the office of said Board, daily, from 8 o'clock A. M. until 5 o'clock P. M., for thirty days, for the free inspection of all parties interested, and notice that same is so open for inspection shall be published by said Board, daily, for at least ten (10) days, in two daily newspapers printed and published in said city and county; and notices, in writing, shall also be sent through the post-office to each of said owners or claimants, so far as the same can be ascertained from the assessment roll of said city and county for the fiscal year eighteen hundred and seventy-seven-seventy-eight.

SEC. 9. Any person feeling dissatisfied with the determination of said Board of Commissioners, as to the value of the amount of damage to or the assessments upon lands or property owned, claimed, or occupied by him, shown in the report provided for in the last preceding section, may have a summary hearing thereupon before said Board, in person or through counsel, at any time before the filing of said report, as hereinafter provided, and may be examined upon oath, to be administered by any one of said Commissioners, and produce and examine witnesses in relation thereto; and the said map and report shall, during that time, be open to revision and correction by said Board. At the expiration of the time allowed for such hearing, said Board shall proceed to review its said report, and, if necessary, modify or correct the same, and when such revision is completed shall file its said report, as revised, together with a map of said Tehama Street and the land assessed, in the Clerk's office of the County Court of said city and county, with a petition signed by said Board, a majority thereof, for the confirmation of said report. Upon the filing of said report, map, and petition, the said County Court shall have and take jurisdiction of said proceedings, and determine the same as a special proceeding in said Court; and the Court, or the Judge thereof, shall thereupon appoint a day, not more than 60 nor less than 30 days, for the hearing of said petition; notice of the filing of said report and map, and the petition for the confirmation of said report, and of the time and place appointed for the hearing of said petition, shall then be given, by publication thereof daily, at least ten days before said hearing, in two daily newspapers published in said city and county, and the affidavit of the principal clerk of the publisher of said notice shall be conclusive evidence thereof. On the day appointed for the hearing of said petition, or on such other day or days as said hearing may be adjourned to, or as may be appointed for that purpose by said Court, all persons interested may be heard before said Court in relation to any of the matters contained in said report, and the Court, after hearing the allegations and proof of all parties interested, and ascertaining to its satisfaction that notice of such hearing has been duly given, may confirm, set aside, or modify said report, and, if necessary, refer the same back for revis-



ion and correction to said Board, who shall thereupon, if the same be so referred, after revising and correcting the same as directed by said Court, file the same, so revised and corrected; and like proceedings shall thereupon be had as to hearing before the County Court, confirmation, reversal, or modification, as hereinbefore in this section provided, until said report, as revised and corrected, shall be finally confirmed by said Court. No objections to said report shall be considered by said Court except such as are specially set forth, in writing, by the parties objecting to the same, and all errors, omissions, and irregularities not so specially set forth, shall be deemed to be waived by all parties affected by said report. Upon the confirm[ation] of said report, said Court shall enter up a separate judgment against each lot or subdivision of land assessed therein, for the amount so assessed against the same in said report, describing the same as described is said report, or by correct description, if the same be incorrectly described therein. In the proceedings on said report there shall be but one judgment roll, which shall consist of a copy of the report and map, petition for confirmation, objections thereto, and the judgment of the Court thereon. All such judgments shall be in favor of the City and County of San Francisco, against each particular lot of land described, for the amount assessed upon it, shall be rendered for and be payable only in gold coin of the United States, or by the warrants issued by said Board, as provided in this Act, shall bear interest from the date of entry of said judgment at the rate of one per cent. per month until satisfied, and shall be a lien upon the respective lots of land until the same are paid or satisfied.

Objections set forth in writing.

Judgment roll; what to contain.

SEC. 10. At any time after the final confirmation of said report by the said County Court, said Board may apply to said Court for an order or orders of sale to issue to the Sheriff of said city and county, commanding him to collect the amount of the said several judgments, or such or any of them as shall then remain unpaid, together with costs and expenses, by sale of the lots against which the same are respectively entered, in the mode prescribed by law for the sale of real estate under decree of foreclosure; the proceeds to be paid by said Sheriff to the Treasurer of the said city and county, who shall place the same to the credit of said Tehama Street Extension Fund, to be used solely for the purposes of this Act.

Board to apply for order of sale.

SEC. 11. The fees of the Clerk of said Court, for his services in any proceedings in said Court under this Act, shall be the sum of twenty-five cents for every judgment entered therein, and shall be collected at the time and in the manner that said judgments are collected, and shall be paid to said Clerk by said Board, out of the fund hereinafter provided for, as other expenses are paid. The fees of said Sheriff shall be two dollars for each and every subdivision or lot sold by him, beside the cost of advertising, and shall be paid to him as the fees of said Clerk are paid. Neither of said officers shall be entitled to receive or recover any other or further compensation, for any services rendered by him

Fees of Clerk and Sheriff.

hereunder, than those above provided for; and all fees received by said Clerk or Sheriff shall be paid to the said Treasurer for the benefit of the Fee Fund of said city and county; *provided, also*, that said Sheriff shall receive but two dollars for selling lots belonging to one judgment debtor, and he shall sell, at one sale, all lots upon which said debtor is delinquent.

Owner to pay  
judgment

SEC. 12. Any owner of or person interested in any lot or subdivision of land assessed in said report, against which judgment has been so entered by said County Court, may, at any time before the issuance of an order of sale thereon, pay the amount of such judgment and interest, and Clerk's fees, or the sum called for by said Board, as herein provided, to the Treasurer of said city and county, who shall receipt for the same, and place the money to the credit of the Tehama Street Extension Fund herein provided for; and on presentation to the said Clerk of said receipt such judgment shall be by him satisfied of record *pro tanto*. All sums of money collected by said Sheriff, on said judgments of the County Court, shall be deposited by him with the Treasurer of said city and county, by whom the same shall be held, as a special fund, to the credit of the said Tehama Street Extension Fund, and shall be paid out on warrants of said Board of Commissioners. The said warrants shall be drawn by said Board on said Treasurer, to the order of the person or persons to whom the same may be due; shall be signed by a majority of said Board, shall be payable only in gold coin, and shall be paid, in the order of their presentation to said Treasurer, out of any money in his hands to the credit of said fund. It shall be the duty of said Treasurer to register said warrants, in the order of their presentation to him for payment, unless he has funds to pay the same, and to pay the same, as above prescribed, in the order of their registration. All warrants not paid at the time of presentation shall be again presented for payment within six months.

Warrants  
drawn.

Board to  
deliver  
certificate.

SEC. 13. In case the owner of any lot or parcel of land taken for said street, or of property in respect to which damages have been awarded for injuries sustained by the taking and opening of said street, shall also be the owner of any lot or parcel of land assessed hereunder, said Board shall, upon the request of said person, deliver to him a certificate of such fact, stating the amount awarded to him as the value of or extent of injury to such land or property taken or injured, and the amount assessed upon the land owned by him, and upon presenting such certificate to said Treasurer, or to said Sheriff, the receipt of such person for the amount, or any part of the amount, so certified as due him, shall be received in payment, or satisfaction, or on account of, or in part satisfaction, as the case may be, of any assessment made or judgment entered against land of which said person is the owner.

Owners  
entitled to  
warrant;  
how drawn

SEC. 14. Any person owning land included within the description of land to be taken for said street may, at any time after confirmation of said report, on executing and delivering to said Board a deed of the land so owned by him,

in form to be approved by said Board, conveying the same to said city and county for the purpose described in this Act, shall be at once entitled to a warrant for the amount awarded in said report as the value of such land, such warrant to be drawn by said Board upon the Treasurer of said city and county, as hereinbefore prescribed, to the order of such person, payable out of the funds in the hands of said Treasurer to the credit of said Tehama Street Extension Fund; whereupon said land shall be taken possession of by said Board, for said city and county, for said purpose. Said Treasurer is also authorized to receive, from any person, any sum or sums of money in advance of the proceeds of the assessments herein authorized; and said Board may issue like warrants therefor in favor of such person. All said warrants shall be receivable by the Sheriff and Treasurer of said city and county in payment and satisfaction of any judgments rendered by said County Court in pursuance of the provisions of this Act.

SEC. 15. On rendering to, or paying into said Court for account of, the owner or owners of any lot of land to be taken for said street, the amount awarded in the report provided for in this Act as the value of such lot of land, or on so tendering or paying into said County Court a warrant drawn by said Board upon the Treasurer of said city and county in favor of such owner or owners, or in favor of the Clerk of said Court, in case of payment into Court, for the amount so awarded, accompanied by the certificate of such Treasurer that such warrant has been presented to him, and by him registered, and will be paid on demand, said Board shall be entitled to an order of said County Court, authorizing them to enter upon such piece of land, remove obstructions therefrom, and to throw open the lots so described as part of said Tehama Street extension, and thereupon an execution may issue to the Sheriff of said city and county, in the nature of a writ of *habere facias possessionem*, commanding him to put the said Commissioners in possession of such lot for the said city and county; and thereafter, upon delivering to the said County Court a sufficient deed, conveying said lot of land to the said city and county, the parties so dispossessed shall be entitled to receive the value of the land so conveyed, or the said warrant of said Board therefor. Said deed, delivered to the said Court, shall be recorded by the County Recorder of said city and county, without any charge therefor. The original deed, after the same shall be recorded, shall be kept by said Treasurer.

Warrant drawn.

Execution issued.

SEC. 16. The amount due to any person for rent, labor, services, or other expenses of said Board, shall be paid by said Board by warrant drawn on said treasury, payable only out of the funds in his hands to the credit of said Board, in the mode provided in this Act; and like warrants may be drawn by said Board, in favor of the persons entitled thereto, for the amounts which have been awarded to them, as the value of their lands taken for said street, or as damages. Should said Board be in doubt as to the ownership of any

Amount due for rent, labor, etc.

Doubt as to  
ownership.

such lands, or in case the owner thereof be unknown to said Board, or married women, or infants, or lunatics, or idiots, it may pay the amount of such value or damages into said County Court by warrants, certified as aforesaid, describing the land in respect to which said amount is payable, to be awarded by said Court on application by, or on behalf of, the parties claiming the same, to the person whom it may, after due hearing and consideration, adjudged to be rightfully entitled thereto. Any adjudication of said Court, in respect to said ownership, shall be subject to appeal in like manner as appeals are now taken from judgments of District Courts. Upon payment by said Board to the respective owners of land taken for said street, of the amounts so awarded to them, as provided in this section, or on payment of said amount into Court, said land shall be and become thereby vested in said city and county forever, and shall be taken possession of by said Board for said city and county for the purpose of constructing said street; but no land shall be taken possession of by said Board without the consent of the owner thereof, unless upon payment or tender of the amount awarded therefor, in pursuance of this Act; and it shall be the duty of the Treasurer of said city and county, upon requisition, in writing, by said Board, to take into Court, out of said fund, any sum or sums, in coin, specified in said requisition, or to tender the same to any person or persons named in said requisition, as the value of his or their lands to be taken for said street; and a receipt therefor, by the Clerk of the Court into which it is taken, or by the person or persons named in said requisition, shall be a sufficient voucher to said Treasurer of the legal disposal of said money.

Duty of  
Board when  
buildings  
are not  
removed.

SEC. 17. Should the owners of any land taken for said street fail or neglect, within the space of sixty days after the final confirmation of said report, to remove the buildings and improvements from their said lands and deliver possession of said lands to said Board, on tender from said Board to them, respectively, of the sums awarded to them respectively, by said Board, as the value of such lands, buildings, or improvements, then the said Board may, at any time thereafter, sell such buildings and improvements at public auction, to the highest bidder, to be removed by the respective purchasers thereof. The sums so bid at such sales shall be paid in cash, or in such warrants of said Board; and if at such auction there shall be no responsible bidders for such improvements, with the obligation to remove them within the time specified in the terms of sale, the said Board shall cause the same to be removed at the cost of said Tehama Street Extension Fund.

Expenses;  
how dis-  
posed.

SEC. 18. All expenses of every kind, caused by reason of said improvements, shall be defrayed by assessments on the owners of the premises that shall be benefited thereby, as the same may be fixed by said Commissioners in said report, or by said report finally confirmed as herein prescribed; and it is expressly provided that in no event shall the said city and county be held liable for any expense connected with said improvement.

SEC. 19. All assessments provided for in this Act shall be in gold coin of the United States of America, payable and collected in gold coin, unless otherwise provided for, and all contracts, bonds, payments, and warrants shall be in gold coin.

Assessments to be in gold coin.

SEC. 20. When the said Board of Commissioners shall have call for twenty-five per cent. of said judgments of said County Court, the same shall be payable within thirty days from the date of said calls; and upon neglect or failure to pay the same, or any part thereof, of either of said calls of said Board, within thirty (30) days of the date thereof, the said Board may proceed to collect the whole of said several judgments, as in this Act provided, the same being hereby declared and made due and payable in full, upon any such failure or neglect; and whenever all of said land condemned under this Act is paid for, all of said work completed and paid for, all the expenses, costs, and salaries hereinbefore provided for paid, the said Board of Commissioners shall authorize the said County Clerk, in writing, to enter a satisfaction of the balance of any judgments, or parts of judgments, remaining uncalled for by said Board, all previous calls of said Board having been paid.

Calls of Board; failure to pay.

SEC. 21. This law, and all acts and proceedings hereunder, shall be liberally construed, and the judgments and proceedings of the County Court hereunder shall be construed like judgments and proceedings of Courts of general jurisdiction. The word "persons," when used in this Act, shall be held and construed to include "corporations." All Acts or parts of Acts, so far as they conflict with this Act, are hereby repealed. All acts and proceedings to be done by said Board of Commissioners may be done or performed by a majority of its members. Whenever all the provisions of this Act have been complied with, the functions of said Board shall cease.

Proceedings; how construed.

Acts repealed.

SEC. 22. If, for any cause, the owner or owners of any property taken by reason of the making of said improvement shall refuse or neglect to apply to the said Commissioners for the amount awarded to him or them by said report, within twenty days after sufficient funds are in said county treasury to pay said amount, or if there be any cloud upon the title of any such lands so taken, or any part thereof, or any question shall arise as to who shall or should receive said award, or if the title be defective for any reason, then the said Commissioners shall issue warrant for the amount awarded for the land taken, describing the land therein, and shall deposit said warrant with the County Clerk of said city and county; and upon proof of the fact of such deposit, made in any District Court of said city and county, upon petition of said Commissioners duly made, stating the facts of the proceedings above recited, and that funds were in said treasury to meet the warrant when presented for payment, the said city and county shall be entitled to an order of said Court commanding the County Clerk of said city and county to issue the proper writ for putting the said city and county in possession of said land, and the Sheriff of said city and

Owners failing to apply for warrant.

Defective title.

county shall immediately thereupon place said city and county in possession thereof, and the true owner of said land shall be entitled to said warrant on delivery to the said city and county of said land, and to the moneys in said warrant described.

Act; how  
construed.

SEC. 23. This Act shall not be construed to repeal the Act of the Legislature of this State entitled "An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco," approved April (25th) twenty-fifth, (1863) eighteen hundred and sixty-three, or any other Act of the Legislature, except so far as such Act or Acts may be in conflict with the provisions of this Act.

SEC. 24. This Act shall take effect immediately.

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CHAP. DXIX.—[See volume of *Amendments to the Codes*.]

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CHAP. DXX.—*An Act for the protection of children, and to prevent and punish certain wrongs to children.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Minor not  
to enter  
saloon;  
penalty.

SECTION 1. No minor, under the age of sixteen years, shall be admitted at any time to, or permitted to remain in, any saloon or place of entertainment where any spirituous liquors, or wines, or intoxicating or malt liquors are sold, exchanged, or given away, or at places of amusement known as dance-houses and concert saloons, unless accompanied by parent or guardian. Any proprietor, keeper, or manager of any such place who shall admit such minor to, or permit him or her to remain in any such place, unless accompanied by parent or guardian, shall be guilty of a misdemeanor.

Begging  
restrained;  
penalty for  
violation.

SEC. 2. Every person having the care, custody, or control of any child under the age of sixteen years, shall restrain such child from begging, whether actually begging, or under the pretext of peddling. Any person offending against this section shall be arrested, and brought before a Court or Magistrate, and for the first offense shall be reprimanded, and for each subsequent offense shall be guilty of a misdemeanor.

Penalty for  
begging.

SEC. 3. Any child, apparently under the age of sixteen years, that comes within any of the following descriptions, named:

(a) That is found begging, or receiving, or gathering alms (whether actually begging, or under the pretext of selling, or offering for sale, anything), or being in any street, road, or

public place for the purpose of so begging, gathering, or receiving alms.

(b) That is found wandering and not having any house or settled place of abode, or proper guardianship, or visible means of subsistence.

(c) That is found destitute, either being an orphan, or having a vicious parent, who is undergoing penal servitude or imprisonment.

(d) That frequents the company of reputed thieves or prostitutes, or houses of prostitution or assignation, or dance-houses, concert saloons, theaters, and varieties, or places specified in the first section of this Act, without parent or guardian, shall be arrested, and brought before a Court or Magistrate.

When, upon examination before a Court or Magistrate, it shall appear that any such child has been engaged in any of the aforesaid acts, or comes within any of the aforesaid descriptions, such Court or Magistrate, when it shall deem it expedient for the welfare of the child, may commit such child to an orphan asylum, society for the prevention of cruelty to children, charitable or other institution, or make such other disposition thereof as now is or may hereafter be provided by law in cases of vagrant, truant, disorderly, pauper, or destitute children.

Child to be placed in charitable institution.

SEC. 4. No child under restraint or conviction, apparently under the age of sixteen years, shall be placed in any prison, or place of confinement, or in any Court-room, or in any vehicle for transportation to any place, in company with adults charged with or convicted of crime, except in the presence of a proper official.

Child not to be confined.

SEC. 5. This Act shall take effect immediately.

# CHAP. DXXI.—*An Act relating to children.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Any person, whether as parent, relative, guardian, employer, or otherwise, having the care, custody, or control of any child under the age of sixteen years, who shall exhibit, use, or employ, or who shall in any manner, or under any pretense, sell, apprentice, give away, let out, or otherwise dispose of any such child to any person, under any name, title, or pretense, in or for the vocation, occupation, service, or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging, or peddling, or as a gymnast, acrobat, contortionist, or rider, in any place whatsoever, or for or in any obscene, indecent, or immoral purpose, exhibition, or practice whatsoever, or for or in any mendicant or wandering business whatsoever, or

Persons selling or apprenticing children for immoral purpose.

for or in any business, exhibition, or vocation injurious to the health, or dangerous to the life or limb, of such child; or who shall cause, procure, or encourage any such child to engage therein, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than two hundred and fifty dollars, or by imprisonment in the County Jail for a term not exceeding six months, or by both such fine and imprisonment; *provided*, that nothing in this section contained shall apply to or affect the employment or use of any such child, as a singer or musician in any church, school, or academy, or the teaching or learning of the science or practice of music; or the employment of any such child as a musician at any concert or other musical entertainment, on the written consent of the Mayor of the city or President of the Board of Trustees of the town where such concert or entertainment shall take place.

Penalty.  
Offense; how punished.

SEC. 2. Every person who shall take, receive, hire, employ, use, exhibit, or have in custody, any child under the age, and for any of the purposes mentioned in the preceding section, shall be guilty of a like offense and punished by a like punishment as therein provided.

Court to commit child to asylum.

SEC. 3. When, upon examination before any Court or Magistrate, it shall appear that any child, within the age previously mentioned in this Act, was engaged, or used for or in any business, or exhibition, or vocation, or purpose designated, and as mentioned in this Act, and when upon the conviction of any person having the custody of a child of a criminal assault upon it, the Court or Magistrate before whom such conviction is had, shall deem it desirable for the welfare of such child that the person so convicted should be deprived of its custody thereafter, such Court or Magistrate may commit such child to any orphan asylum, society for the prevention of cruelty to children, charitable or other institution, or make such other disposition thereof as now is, or hereafter may be, provided by law in cases of vagrant, truant, disorderly, pauper, or destitute children.

Causing child to suffer; penalty for.

SEC. 4. Whoever shall willfully cause or permit any child to suffer, or who shall inflict thereon unjustifiable physical pain or mental suffering, and whoever, having the care or custody of any child, shall willfully cause or permit the life or limb of such child to be endangered, or the health of such child to be injured, or any person who shall willfully cause or permit such child to be placed in such a situation that its life or limb may be endangered, or its health shall be likely to be injured, shall be guilty of a misdemeanor.

Fines; how appropriated.

SEC. 5. All fines, penalties, and forfeitures imposed and collected in any county of this State, under the provisions of this and every Act passed, or which may be passed, relating to or affecting children, in every case where the prosecution was instituted or conducted by a society incorporated pursuant to the provisions of Chapter Five Hundred and Forty-nine of the Statutes of 1875-6, approved April 3d, 1876, being an Act entitled "An Act for the incorporation of societies



for the prevention of cruelty to children, shall, except where otherwise provided, enure to such society in aid of the purposes for which it was incorporated.

SEC. 6. This Act shall take effect immediately.

CHAP. DXXII.—[See volume of *Amendments to the Codes.*]

CHAP. DXXIII.—*An Act to provide for the extermination of squirrels in the County of Contra Costa.*

[Approved March 30, 1878.]

*The People of the State of California, represented in the Senate and Assembly, do enact as follows:*

SECTION 1. Squirrels infesting lands in the State of California are hereby declared to be a public nuisance.

SEC. 2. The Board of Supervisors of Contra Costa County may, at their option, make provisions for the extermination in such county of said squirrels, and the Squirrel Inspectors hereinafter provided for and their employes, or other persons authorized by the Board of Supervisors, shall, after their appointment and during the term of such authorization, have full power to enter upon private property for the purpose of exterminating said squirrels, in the manner provided in this Act and the ordinances of the Board of Supervisors, as herein also provided for.

SEC. 3. The Board of Supervisors shall, by ordinance entered upon their journals, divide the county into a convenient number of squirrel districts, defining their boundaries, and appoint a Squirrel Inspector for each district, requiring from each a bond for the faithful discharge of his duties under this Act and the ordinances of the Board of Supervisors passed hereunder, in such sum as the Board shall deem necessary.

SEC. 4. At the time of levying the county taxes in each year, the Board of Supervisors may levy a special tax, in such sum as they shall deem necessary, not exceeding fifty cents on each one hundred dollars of the taxable property in said county, to be assessed, levied, and collected as and at the same time as other county taxes, and when collected to be paid into the county treasury, to the credit of a special fund, to be known as the Squirrel Fund.

SEC. 5. The Board of Supervisors shall, by ordinance, prescribe a period in each year in and during which it shall be the duty of each and every owner of land in said county to thoroughly poison and exterminate the squirrels upon his land, and they shall classify the land of the county as they

Inspector to give notice. shall determine equity may require, with reference to the difficulties or costs of exterminating squirrels thereon, and fix and prescribe a price per acre which shall be allowed the land owners poisoning and exterminating the squirrels upon his land as so classified. The Squirrel Inspector in each district shall give to every land owner in his district at least ten days' notice, in writing, of the time when and within which he is required to poison the squirrels upon his land, under this Act, and the price per acre which shall be allowed him therefor. Such notice shall be given by delivery of the same to the land owner in person, or leaving the same at his residence, if he resides within the district; otherwise, by posting the same in some safe and conspicuous position upon the land.

Inspector to give certificate.

Demand; how paid.

Penalty.

Inspector to poison squirrels when owner fails.

SEC. 6. If the land owner shall, within the period so fixed and prescribed, poison and exterminate the squirrels upon his land, it shall be the duty of the Squirrel Inspector, upon being satisfied thereof by examination and inquiry, to give to the land owner a verified certificate of the fact, stating the quantity of land and the sum of money, at its proper class rate, to which the land owner is entitled on account thereof, which certificate shall accompany the demand which may be presented to the Board of Supervisors, by the land owner, for the payment of the sum to which he may be entitled under this Act. Such demand, when approved and allowed by the Board of Supervisors, shall be payable out of the Squirrel Fund of the county; *provided*, that when land is included in any district, such as tule, or low, or swamp, or overflowed land, not occupied by squirrels, the owners thereof, who pay taxes on same for Squirrel Fund, shall receive from the Squirrel Inspector, after satisfactory examination, a certificate that such land is free from squirrels, giving the number of acres, and price per acre, and gross sum, which certificate shall be treated the same as the other bona fide certificates; *and provided further*, if said Board has reason to believe the Inspector, in any case, may have certified without sufficient examination, or falsely, in collusion with any land owner, or other interested person, then the claim shall not be allowed until inquiry and evidence shall have satisfied the Board that the certificate was properly granted in conformity with the intention and purpose of this Act and the ordinances of the Board of Supervisors thereunder; and it is further required, when it shall be found that an Inspector has knowingly, or negligently, certified falsely to the extermination of squirrels on any tract or tracts of land, his appointment shall be revoked, and he shall be prosecuted upon his bond, and shall also be subject to prosecution for perjury.

SEC. 7. If any land owner shall fail or neglect to poison or exterminate the squirrels upon his land, within the period so fixed (as provided in Section 5), it shall be the duty of the Squirrel Inspector of the district, immediately upon the expiration of such period, to enter upon the land and thoroughly poison and exterminate the squirrels thereon, and also upon all public lands and highways in said district;

*provided, however, that the Board of Supervisors may, under resolution declaring it advisable for the public interest, which shall be entered upon their records of proceedings, enter into contract or contracts for destruction of squirrels upon lands of negligent owners, and the public lands and highways; and it shall be the duty of the Inspectors herein provided to certify to the performance of such contracts, as is provided in case of extermination by land owners, and as may be prescribed by the ordinances and regulations of the Board of Supervisors; and the Inspector shall be allowed the per diem compensation for such service as for service of notices and other examinations.*

Contracts for  
destroying  
squirrels.

SEC. 8. The Squirrel Inspector shall be allowed, for his services under this Act, payable out of the Squirrel Fund, three dollars per day for the time actually employed in giving the notices and certificates herein provided for, and poisoning squirrels on lands of negligent owners, the public lands and public highways, such allowance as shall be equal to that, the per diem compensation, for his own time when necessarily so employed, besides actual expenses or obligation incurred for materials and assistants, an itemized and verified account of which shall be rendered before approval or allowance of such claims; and no allowance of more than two dollars per day shall be made for the hired assistants of any Inspector. Warrants upon the Squirrel Fund may be drawn in anticipation of the levy and collection thereof, for the years eighteen hundred and seventy-eight and eighteen hundred and seventy-nine.

Per diem of  
Inspector.

SEC. 9. The Board of Supervisors may pass such orders and ordinances as may be proper and necessary to fully carry into effect and accomplish the purposes of this Act.

Supervisors  
to pass  
ordinances.

SEC. 10. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed as to any county in the State, that through action, as herein provided, elects to apply the provisions of this Act; but this repealing effect shall not be construed as arresting or forbidding proceedings for enforcement of penalties or obligations incurred under other Acts.

Acts  
repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. DXXIV.—*An Act to authorize the Council of the City of Los Angeles to audit and pay to John S. Griffin the amount of a warrant, and heretofore drawn in his favor.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Council of the City of Los Angeles are authorized to audit a warrant drawn by the Mayor and President of the Council, in favor of John S. Griffin, for the

Council to  
audit  
warrant.

sum of one hundred and sixty-one dollars and twenty-five cents, numbered 1,198, and dated April 16, 1869; and if it finds the same to be due, to cause a warrant to be drawn in favor of the said Griffin, upon the Cash Fund of said city, for the amount of said warrant.

SEC. 2. This Act shall take effect immediately.

CHAP. DXXV.—*An Act to grant the right of way for a railroad track within the limits of the City and County of San Francisco.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Right  
granted to  
construct  
railroad.

SECTION 1. The right is hereby granted to John H. Turney, Joseph Britton, John Harrold, Charles N. Felton, Charles W. Smith, John Siebe, James L. King, their associates and assigns, to construct, lay down, and maintain an iron railroad within the City and County of San Francisco, commencing at the intersection of Stockton and Bay Streets of said City and County of San Francisco, and extending thence along the line of said Bay Street westerly to the Presidio Reservation; thence across the said Reservation and near the shore of the Bay of San Francisco, at the most suitable points; thence around the shore of the Bay and of the Pacific Ocean to the Cliff House, and thence to the point where the Golden Gate Park meets the Pacific Ocean; *provided*, that until the said Bay Street shall have been graded, the said tract may be laid down and operated on the most accessible street now graded, connecting with Stockton Street and skirting the Bay of San Francisco. The said grantees, their associates and assigns, are hereby authorized and empowered to construct, lay down, and maintain, upon the streets and route mentioned in this Act, a single or double track railroad, at their option, with the proper and necessary switches and turn-outs along the entire route, with the right to run cars, and to carry passengers thereon; said cars shall be run at convenient hours of every day and night for the transportation of passengers. The rails to be of the most improved pattern used for steam railroads, and known as the T rail.

Streets to be  
worked.

SEC. 2. The owners of said railroad shall pave, plank, or macadamize, as the proper authorities of said City and County of San Francisco shall direct, the street through which said railroad shall run, along the whole length thereof southeast of the Presidio Reservation, for a width extending two feet on each side of said track, and shall keep the same constantly in repair; *provided*, that on such streets where said railroad shall run the same are not graded, paved, planked, or macadamized, then the grantees herein named, their associates and assigns, shall not be compelled to pave,

plank, or macadamize as aforesaid, until said streets shall be graded and paved, planked or macadamized.

SEC. 3. The tracks of said railroad shall not be more than five feet eight and a half inches wide within the rails, with a space between the double tracks sufficient for the free passage of the cars, and shall be laid as nearly as possible in the middle of the streets, and flush with the level of the streets, and so as to offer as little obstruction as possible to the crossing of vehicles; and when the road herein provided for shall intersect any other road, the rails of each shall be so cut or altered as to permit the cars to pass without obstruction; and nothing in this Act shall be so construed as to prevent any other railroad company hereafter formed from crossing the road herein mentioned, at any point, in like manner, in the City and County of San Francisco.

Track; how laid.

SEC. 4. For the purpose of laying down or repairing the said railroad, not more than the length of one block, in any one street, within the present fire limits of the said city and county, shall be obstructed at any one time, nor for a longer period at any one time than twelve working days.

Obstruction of road.

SEC. 5. The rates of fare for each passenger upon said railroad shall not exceed five (5) cents each way, for any distance east of and inside of the line of the Presidio Reservation, and for any distance beyond said line of said Reservation (10) cents; *and it is further provided*, that it shall be unlawful for any person or persons, corporation, joint stock company, or association, running a passenger car upon any railroad laid down or maintained by virtue of the franchise herein granted, to demand of or receive from any person desiring to be conveyed, or being conveyed, or purchasing tickets for passage on such railroad, a sum of money greater than is allowed by the provisions of this Act, and for each and every violation of the provisions of this section such persons or persons, corporation, joint stock company, or association, so demanding or receiving such sum, or whose agent or agents, employé or employes, shall demand or receive such sum, shall forfeit to the person so overcharged the sum of fifty dollars, to be recovered in a civil action in any Court of competent jurisdiction.

Rates of fare.

Penalty for overcharging.

SEC. 6. The cars upon said railroad shall be of the most approved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes and other means of stopping the same, when required; they shall be moved by steam; and inside, being east of Devisadero Street, by what is known as dummy steam engines, and inside of said Devisadero Street, shall not run at a speed exceeding eight miles an hour; *provided*, that outside and west of Devisadero Street, the speed may be increased, not to exceed twenty-five miles an hour.

Kind of cars; how propelled.

SEC. 7. Any person willfully obstructing the said railroad shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

Penalty.

SEC. 8. The franchise and privilege hereby granted shall continue for the period of twenty-five years, to date from and after the passage of this Act; *provided*, that the grantees

Franchise; how long to continue.

herein, or their associates or assigns, shall, within one year from the date of the passage of this Act, commence the construction of said railroad, and have the same completed throughout its entire length at least upon a single track, and passenger cars running thereon, within two years from and after the first day of July, eighteen hundred and seventy-eight, but no time during which they shall be prevented therefrom by legal process shall be counted as a part of said time.

Authorities  
not pre-  
vented from  
repairing  
streets.

SEC. 9. Nothing in this Act shall be so construed as to prevent the proper authorities of the said City and County of San Francisco from sewerage, grading, paving, planking, altering, or repairing any of the streets before mentioned, or any of the streets upon which said railroad shall run, but all such work shall be done, if possible, so as not to obstruct the free passage of cars upon the said railroad; and when the same shall not be possible, the said authorities, before the commencement of said work, shall allow to the owners of said railroad time sufficient to enable them to shift the rails, or take other means so as to avoid said obstruction during the continuance thereof, which they, the said owners, are hereby authorized to do.

License tax.

SEC. 10. The owners of said railroad shall pay to the said City and County of San Francisco an annual license tax, to be fixed by the Board of Supervisors of said city and county, not exceeding the sum of fifty dollars on each car used by them upon said railroad, which payment shall be made quarterly to the said city and county.

Supervisors  
to grant  
additional  
rights.

SEC. 11. The Board of Supervisors of the City and County of San Francisco, and their legal successors, are hereby authorized and empowered to grant to the said parties named in the first section of this Act, their associates or assigns, such additional rights, privileges, and grants as said parties, their associates and assigns, may desire and deem necessary for the full and complete enjoyment of the franchise and privileges created and granted by this Act.

SEC. 12. This Act shall take effect and be in force from and after its passage.

#### CHAP. DXXVI.—*An Act to create an Irrigation District, to be called the Modesto Irrigation District.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

District  
created; its  
boundaries.

SECTION 1. All that certain territory, situated in the County of Stanislaus, and bounded as follows, viz.: On the south by the Tuolumne River, commencing at the junction of said river with the San Joaquin River, and running thence up and along said Tuolumne River to the point where the county line between the Counties of Stanislaus and

Tuolumne intersect said river; thence northwesterly along said county line to the south line of section twenty-two, in township number two south, in range number thirteen east; thence due west along said line and continuing in the same direction to the west line of township two south, in range ten east, to its intersection with said Stanislaus River; thence westerly down said Stanislaus River to its junction with the San Joaquin River; thence up said San Joaquin River to the point of beginning, is hereby created an irrigation district to be called the Modesto Irrigation District, for the purpose of providing for the irrigation of the land lying in said district, by means of a canal to be constructed from a point on the said Tuolumne River, or Stanislaus River, to be designated by the persons or corporation building the said canal, and running thence over the most practicable route through said district to the San Joaquin River.

SEC. 2. At any time after the passage of this Act, any number of persons, not less than five, may incorporate under the general incorporation laws of this State, for the purpose of providing for the irrigation of the lands of said district. May incorporate.

SEC. 3. Whenever such corporation is formed, and not less than fifty thousand shares of the capital stock is actually subscribed for by the bona fide owners of land within said district, at not more than one share of such stock for each acre of land owned by the subscriber, and when such fact is made to appear to the Board of Supervisors of said County of Stanislaus, at any regular meeting thereof, then the Board of Supervisors of said county shall issue and deliver to said corporation bonds for the sum of twenty-five thousand dollars. Said bonds shall be payable in twenty years, in gold coin of the United States, and shall bear interest at the rate of not less than six nor more than eight per cent. per annum, which shall be payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the office of the County Treasurer of said county. Said bonds shall each be payable in the sum of two hundred and fifty dollars, and shall be signed by the President or Chairman of said Board, and the Clerk of said Board, who shall affix the seal of the County Clerk thereto, and they shall also be countersigned by the Treasurer of said county. They shall be numbered consecutively as issued, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the Clerk of said Board of Supervisors. Said bonds shall express on their face that they are issued under the provisions of this Act, stating its title, and date of approval. The Clerk of said Board shall keep a record of the bonds so issued, their number and date. Said bonds shall be substantially in the following form: Two hundred and fifty dollars. State of California, County of Stanislaus. Modesto Irrigation District Bond. The County of Stanislaus, State of California, will pay to (naming the corporation), or its assigns, the sum of two hundred and fifty dollars, gold coin of the United States of America, within twenty years from the date hereof, with interest thereon, in like gold coin, at the rate of eight per cent. per Bonds issued  
Coupons to be attached.

annum, payable half yearly, on the first day of January and July of each year, upon the interest coupon hereto attached. Principal and interest payable at the office of the County Treasurer of the County of Stanislaus. This bond is issued under the provisions of an Act of the Legislature of the State of California, entitled "An Act to create an irrigation district, to be called the Modesto Irrigation District," approved (giving date of approval), and is to be paid only out of the fund that may be raised from the taxation on the increased value of the land within said district, as therein provided, and may be redeemed at any time before its maturity, as is provided in said Act. And this bond is further issued, and taken by the holder thereof, under the conditions expressed in said Act. In witness whereof the President of the Board of Supervisors, and the Clerk of said Board, and the Treasurer of said county, have respectively signed these presents, and the Clerk of said Board has affixed the seal of the said county thereto, this — day of —, A. D. eighteen hundred and seventy —; to which shall be attached the coupons as required by this Act. The Directors or Trustees of said corporation, at the time of receiving said bonds, shall execute an official bond, in the sum of twenty-five thousand dollars, with not less than two sufficient sureties, conditioned that the proceeds of said bonds shall be faithfully and properly expended in the construction of said canal, and acquiring irrigation works for said district. Said bond shall be in the form of an official bond, and shall bind the Directors or Trustees of said corporation in their individual capacity, and may be sued upon as other official bonds, and shall be filed and recorded as other official bonds.

Directors or  
Trustees to  
execute  
bond.

Bonds to be  
issued after  
contract is  
entered into.

SEC. 4. When it appears to said Board of Supervisors, at any regular or special meeting called for that purpose, that the said corporation has faithfully and properly expended said twenty-five thousand dollars, in the construction of said canal, and that said corporation has duly entered into proper contracts for the entire construction of said canal, and that the final completion thereof by the contractors is sufficiently secured, then said Board of Supervisors shall issue and deliver to said corporation, bonds as hereinbefore provided, for each and every five miles of said canal, in a sufficient amount to pay for the same and acquiring complete irrigation works for said district; but the whole amount issued shall not exceed the actual cost of building the said canal, nor shall the aggregate amount issued, or to be issued, exceed the sum of five hundred thousand dollars; and *provided*, that none of said bonds shall be sold for less than ninety per cent. of their par value.

Net revenue  
applied in  
payment of.

SEC. 5. The rate of taxation shall not be increased on account of the issuance of said bonds, but the net revenue, including both State and county taxes, derived from the increased value of the land, owing to the irrigation works herein provided for, shall be applied exclusively to the payment of the interest and principal of said bonds, for the period of two years; and the faith of the State is hereby pledged to make such appropriation, for the purpose of pay-



ing said bonds, for eighteen years more, unless said bonds are sooner paid. Unless said bonds are sooner paid, such increased value shall be ascertained by taking the value of the land as shown by the assessment roll of eighteen hundred and seventy-five, as its value without. The value of such land without the irrigation works herein provided for, shall be deemed to be its value as shown by the assessment roll of Stanislaus County, when placed in the Tax Collector's hand in eighteen hundred and seventy-five; and the difference between its value, as shown by such assessment roll, and its greater value as assessed in any subsequent year, shall be deemed its increased value for such year.

Increased value; how ascertained.

SEC. 6. When it shall appear to the Board of Supervisors, sitting as a Board of Equalization as required by law, that any portion, piece, or parcel of land situate in said district is, or was, by the County Assessor, duly assessed for any greater sum or amount, owing to the increased value thereof by reason of the construction of said canal or the irrigation of any of the lands of said district, than the same piece, parcel, or tract of land was assessed for the year eighteen hundred and seventy-five, as shall appear from the assessment roll of the year eighteen hundred and seventy-five, then the said Board shall estimate the amount of taxes due or to become due on such increased value of such property, and the Clerk of said Board shall thereupon make a complete list of all such land, showing the amount of the increased value thereof over and above the assessment of eighteen hundred and seventy-five, and the amount of the taxes due or to become due on such increased value; which statement shall be signed by the Chairman of said Board and countersigned by said Clerk, who shall, within twenty days thereafter, deliver the same to the Tax Collector of said county, and a certified copy thereof to the Treasurer of said county. The said Tax Collector shall, at the same time of the payment of the taxes on any of such land within said district, mark the same paid on said list.

Land assessed for more than increased value.

SEC. 7. The County Treasurer and Tax Collector shall, at the time of each monthly settlement between them, compare said list, and the County Treasurer shall set apart the amount of such taxes, as shown by said list, as a separate fund, to be called the "Modesto Irrigation District Bond Fund," which fund shall only be used for the payment of said bonds and interest.

"Modesto Irrigation Bond Fund."

SEC. 8. Upon the presentation of the coupons due to the said County Treasurer, he shall pay the same from said bond fund. Whenever, after three years from the issue of any of said bonds, said bond fund shall amount to the sum of ten thousand dollars, the said County Treasurer shall pay such an amount of said bonds as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for four weeks in some newspaper printed and published in the County of Stanislaus, and such other newspaper of general circulation in this State as he may deem advisable, for the purpose of giving such notice to the bondholders for sealed proposals for the

Bonds redeemed.

redemption of said bonds; said proposals to be publicly opened by the Treasurer at the time named in the notice, and the lowest bid for said bonds shall be accepted; *provided*, that no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of such bonds shall desire to have the same redeemed, the County Treasurer shall publish a notice in the same newspapers in which the notice for bids was published, and for the same period of time, to the effect that a sufficient quantity of said bonds, commencing at the lowest number unpaid, and giving the number of the bonds to be redeemed, will be paid upon presentation. If said bonds, or any of them, shall not be presented within thirty days after the expiration of the time of the publication of such notice, they shall from that time cease to draw any interest.

County not  
liable for  
bonds.

SEC. 9. The said County of Stanislaus shall, in no event, become in any manner liable for either the principal or interest of said bonds, except as herein provided, nor beyond the extent of the revenue derived by reason of the increased value of the property in the district, for the period of twenty years.

Rights and  
powers of  
corporation.

SEC. 10. The said corporation, its agents and representatives, shall have the right to enter upon any of the land in the district to make surveys, and may locate said canal, and the necessary branches of the same, on any of said land which may be deemed best for such location. It shall also have the right to acquire all lands, waters, and other property necessary for the construction, use, supply, maintenance, repair, and improvement of said canal and works, including canals and works constructed and being constructed, lands for reservoirs, branch canals, and other works necessary for the protection and accommodation of the same, and for ways for the discharge or use of surplus water, either by purchase or condemnation. In case of condemnation, the said corporation shall proceed, under the provisions of Title Seven, Part Three, of the Code of Civil Procedure.

Who shall  
subscribe  
for shares.

SEC. 11. The legal title of the property acquired under this Act, by said corporation, shall vest in said corporation, in trust for the shareholders. The Directors of said corporation shall permit no one to subscribe for any of such shares who is not a land owner within said district, nor for more than one share for each acre of land actually owned by him; and all stock issued contrary to this provision shall be void; and no disposition whatever of any of the waters of said canal shall be made until each and every stockholder is supplied with all the water necessary for the irrigation of his irrigable land. After the shareholders are supplied with a sufficient amount of water as aforesaid, and in case there is a surplus of water running in said canal, the said corporation may sell such surplus for such purpose, and for such price, as the Board of Directors may deem for the best interest of the shareholders, the proceeds thereof to be first applied to the payment of repairs and other necessary expenses of running and maintaining said canal. No tax or assessment

Surplus  
water.

shall at any time be levied upon the shares of said corporation, except for the payment of actual expenses of repairs, and running and maintaining said canal, and the raising of such sum, from time to time, as is necessary for the purpose of paying the indebtedness of said corporation, and not to exceed one dollar per share for each acre of irrigated land for grain, and one dollar and fifty cents per acre for other irrigating purposes, for any one year.

SEC. 12. Every land owner within said district shall have the right, at any time, to subscribe for and receive as many shares, without paying anything therefor, as he or she may have acres of land. Each land owner, in subscribing for shares, shall describe, by legal subdivisions, the land which he owns; and all shares so subscribed for shall belong to said land as a hereditament and incident to it, and shall pass, with the conveyance of said land, as such hereditament and incident, whether named in the conveyance or not, and that said shares are subscribed for such lands, and he shall also be required to subscribe to a by-law of the corporation to that effect.

Right to  
subscribe  
for shares.

Owners to  
describe  
land.

SEC. 13. The certificates of shares issued shall describe upon their face, by legal subdivisions, the land for which such shares are subscribed, and by whom it is subscribed, together with the number of acres in such land, and the number of shares named in the certificate shall be equal to the number of acres of land for which it is subscribed.

Certificate  
to describe  
what.

SEC. 14. A duplicate of each certificate of shares so issued shall be recorded in the Recorder's office of Stanislaus County, in a book or books to be kept for such purpose, by the County Recorder. Such shares, after being subscribed for, shall be a hereditament and incident to the land for which it is subscribed. Said corporation shall have the power to acquire and hold, by purchase or otherwise, as it may be able, and as its Board of Directors may deem most beneficial for the corporation, all right of way, real estate, water rights, sites for reservoirs, dam, locks, and all other structures which said Board may find necessary or convenient for creating or otherwise obtaining a complete system of irrigation works for said district, and said bonds may be used for acquiring any and all such property. When such irrigation works are procured, said corporation may use or sell its surplus water for water power, or any other use to which it may be applied, and may make any other use of said works and canals which it may be able. Such use must not, however, interfere with, nor hinder, nor delay the use of such works for irrigation purposes. It is understood that the provisions of this Act shall in no manner apply to or affect any of the lands of said district not benefited by the construction of said canal, or the introduction of water into said district.

Certificate to  
be recorded.

Corporation;  
powers of.

Corporation  
to sell sur-  
plus water.

SEC. 15. This Act shall take effect immediately.

CHAP. DXXVIII.—*An Act to provide a fund for the repairing of roads in San Luis Obispo County.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Supervisors  
to issue  
bonds.

SECTION 1. The Board of Supervisors of the County of San Luis Obispo are authorized and empowered to issue, as soon as practicable after the passage of this Act, bonds of said county to the amount of ten thousand dollars, or any less sum, in its discretion, bearing interest at the rate of eight per cent. per annum, and in sums not less than five hundred and not more than one thousand dollars each. Said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the Auditor and Treasurer of said county. Said bonds may be issued and sold, from time to time, as money may be required for the purpose for which they are to be issued, as hereinafter stated.

Bonds;  
when and  
how paid.

SEC. 2. The said bonds shall be due and payable, in the gold coin of the United States of America, at the office of the Treasurer of the county, twenty years after the date of their issuance; and said Board has the power to redeem said bonds in the manner and at the time hereinafter provided. The interest on said bonds shall be due and payable, in like gold coin, on the first day of January and July of each year, at the office of the County Treasurer of said county.

Coupons to  
be attached.

SEC. 3. Coupons for the interest must be attached to each bond, and shall be signed in the manner as the bonds are required to be signed. Said coupons shall be for the semi-annual interest on the bond to which they are attached, such coupon bearing the number of its bond, and the date when it will be due, and the amount to be paid. When any interest shall be paid upon a bond, the coupon for the interest paid shall be detached and delivered to the Treasurer, who must cancel the same and deliver it to the Auditor, to be filed in his office, taking his receipt therefor.

Bonds; what  
to bear.

SEC. 4. Said bonds shall bear the dates of their issuance, and the first coupon shall be for the interest from such date up to the first day of January next succeeding.

Interest  
Road Repair  
Fund.

SEC. 5. For the purpose of paying the interest on the said bonds, the Board of Supervisors of said county must, at the time of levying the county taxes, each year, levy a special tax on all the taxable property of the county, which shall, in their judgment, be sufficient to pay the interest on all bonds then outstanding, as the same may fall due. Such tax shall be levied, assessed, and collected, as other county taxes, and shall be, by the Treasurer, set apart as a special fund, to be known as the "Interest Road Repair Fund;" and the Treasurer must pay the said coupons out of said fund as they may fall due. If such taxes shall not, at any time, produce a sufficient amount to pay all the interest due in any one year, the Treasurer must transfer from the Gene-

ral Fund of the county such amount as may be necessary to make up the deficiency.

SEC. 6. In and for the year eighteen hundred and seventy-nine, and annually thereafter, until the whole of said bonds are redeemed, the Board of Supervisors must levy and cause to be collected a tax sufficient to pay five per cent. of the whole issue of said bonds. All taxes collected under the provisions of this section shall be collected as other county taxes, and paid into the county treasury, and must be by the Treasurer set apart as a special fund, to be known as the "Road Repair Fund." Supervisors to levy tax.

SEC. 7. Whenever there shall be one thousand dollars or over in said "Road Repair Fund," the Treasurer must cause notice to be published for once a week for four successive weeks, in some newspaper published in the county, that he is prepared to receive bonds to a certain specified amount; and on the day named in the notice the Treasurer must, in the presence of the Auditor, publicly open and examine all proposals for the surrender of bonds, and must proceed to redeem such bonds as may be offered at the lowest rates; *provided*, that no bid above par value shall be accepted, and the bonds must in all cases accompany the bid. If no bid is put in at par or less than par value, or if sufficient amount of bonds are not offered to absorb all the money in the said "Road Repair Fund," then the bonds become due and payable in the numerical order in which they were issued, and the Treasurer must give notice, in the manner above provided, that certain bonds, describing them, are due and payable, and the interest thereon ceases from and after the date of said notice. Bonds redeemed.

SEC. 8. The Board of Supervisors may sell said bonds, after having published a notice for thirty days in a newspaper published in the county, and in some daily newspaper published in the City and County of San Francisco, inviting proposals for the purchase of the same. Upon the day named in such notice, the Board must meet to open and consider said proposals, and they must deliver said bonds, with the coupons attached, to the person or persons bidding and paying the highest price therefor, in the gold coin or the gold notes of the United States, as such bidder may prefer. The Board has the power to reject any or all bids, and no bond must be sold for less than ninety-five cents on the dollar, par value; and the Board may sell said bonds, or any part thereof, at a rate not less than ninety-six cents on the dollar, par value, without giving any notice, and at private sale. Supervisors to sell bonds.

SEC. 9. The money derived from the sale of said bonds shall be used by and under the direction of the Board of Supervisors of said county, exclusively in repairing, restoring, and the betterment of the public roads and highways existing in said county at the date of the approval of this Act, and the same shall be apportioned and set apart to the several road districts of said county, as the same may be designated by the Board of Supervisors of said county, in proportion, as near as may be practically ascertained, to the Proceeds of sale for repairing roads.

amount of property taxes collected from said districts, respectively, excluding always the corporate limits of the City of San Luis Obispo. No part of said money shall be used for any other purpose than as aforesaid.

Treasurer's  
commission.

SEC. 10. The Treasurer's commissions for holding and disbursing the moneys arising under this Act shall be one per cent., and the same shall be accounted for by him in the manner provided in the Salary Act for said county.

SEC. 11. This Act shall take effect immediately.

CHAP. DXXIX.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provision for any deficiency in the Street Department Fund, of the fiscal year eighteen hundred and seventy-seven-seventy-eight.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Supervisors  
authorized  
to include  
certain  
amounts.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered, in estimating the amount required for the Street Department Fund for the fiscal year eighteen hundred and seventy-eight-seventy-nine, to include in said estimate any amount, not to exceed in the aggregate the sum of one hundred and sixty thousand dollars, that may remain due or unpaid for street work performed or contracted for on accepted streets, during the fiscal year eighteen hundred and seventy-seven-seventy-eight, and in the same manner and at the same time as other taxes in said city and county are levied, to make such levy upon the taxable property of said city and county, for the fiscal year eighteen hundred and seventy-eight-seventy-nine, as may be sufficient to pay off all unpaid and outstanding demands upon the Street Department Fund during the fiscal year eighteen hundred and seventy-seven-seventy-eight, and all estimated expenditures upon the Street Department Fund during the fiscal year eighteen hundred and seventy-eight-seventy-nine, not to exceed the aforesaid one hundred and sixty thousand dollars.

Auditor to  
indorse  
date upon  
demand.

SEC. 2. The Auditor of the City and County of San Francisco is hereby authorized and empowered, upon receiving demands on the treasury allowed and ordered paid by the Board of Supervisors of said city and county for street work performed, to indorse upon the respective demands the date on which said demands can be audited; *provided*, that all the demands for street department purposes passed by the said Board of Supervisors, and ordered paid out of the amount to be raised for the fiscal year eighteen hundred and seventy-eight-seventy-nine, shall be, by said Auditor, duly

audited during the month of July, eighteen hundred and seventy-eight.

SEC. 3. Nothing in this Act shall be so construed as authorizing the Board of Supervisors, or other officer of said city and county, to contract any liability or audit or pay any demands other than provided for by this Act, after the expiration of the fiscal year eighteen hundred and seventy-seven-seventy-eight, in excess of the amounts prescribed by statute and provided for by levy.

SEC. 4. This Act shall take effect and be in force from and after its passage.

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CHAP. DXXX.—*An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to exercise the powers following:

*First*—To expend and order paid out of the General Fund, not to exceed three thousand dollars per month, for objects of urgent necessity not otherwise provided for by statute, in lieu of the amount now allowed by law.

*Second*—To order paid out of the General Fund not to exceed twenty thousand dollars in any one fiscal year hereafter, for furniture for and repairs to public buildings, in lieu of the amount now allowed by law.

*Third*—To order paid out of the General Fund not to exceed fifteen thousand dollars in any one fiscal year hereafter, for advertising expenses of said city and county, in lieu of the amount now allowed by law.

SEC. 2. This Act shall take effect and be in force from and after its passage.

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CHAP. DXXXI.—*An Act to provide for the improvement of Van Ness Avenue, in the City and County of San Francisco.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco shall have power to declare, by ordinance, that the roadway of Van Ness Avenue, between Market and Pacific Streets, in said city and county, shall be fifty-five feet in width, and shall be laid out in the middle

of said street, twenty-seven and one-half feet on each side of the center line thereof, with a gutter on each side of said roadway, and a curb on the outer line thereof, corresponding with the official grade of said street, and that the sidewalks, on each side of said portion of Van Ness Avenue, shall be thirty-five feet in width, during the pleasure of said Board.

Improvements to be made.

SEC. 2. The said Board of Supervisors shall have power, whenever a petition therefor shall be presented to it by the owners of a majority of the frontage of the lots fronting upon any block in said portion of Van Ness Avenue, to authorize said block to be improved, by planting trees, shrubbery, and grass upon the outer seventeen feet of each of the sidewalks upon said block, whenever the width of said sidewalks shall have been fixed as defined in section one of this Act. The said improvements shall be made in accordance with plans that may be adopted and prescribed by said Board of Supervisors, and whenever the said Board of Supervisors shall have adopted such plans, and shall have authorized the improvement of any block in said portion of Van Ness Avenue, the said Board shall have power to provide, by ordinance, for the protection and preservation of said improvements, and for compelling the same to be made and preserved, and for preventing the injury or destruction of the same, and for prohibiting those portions of said street that may be so improved from being traveled upon by vehicles, animals, or persons, and to prescribe a penalty to be imposed for any violation of said ordinance.

Sidewalks; width of.

SEC. 3. Whenever any block in said portion of Van Ness Avenue shall have been improved under the provisions of this Act, the said Board of Supervisors shall not thereafter cause any sidewalk to be constructed upon the said space of seventeen feet so improved, but the sidewalks upon said block that shall be thereafter constructed shall be constructed with a width of eighteen feet, and shall have a curb and gutter at their outer edge, aside from the curbs and gutters at the outer edges of the roadway, and thereafter the space of seventeen feet upon said block, between the outer edge of the roadway and the outer edge of said sidewalk, improved as aforesaid, shall be and remain an open space, for the purposes of a park, during the pleasure of the said Board of Supervisors.

Owners to improve land; penalty for neglect.

SEC. 4. Whenever the said Board of Supervisors shall have passed any order for the improvement of any block in said portion of Van Ness Avenue, as is provided by this Act, the owners of the property fronting on said block shall, within sixty days thereafter, cause the said improvements to be made in front of the lots and lands respectively owned by them. In case the owner of any lot fronting upon said street, within the block so ordered to be improved, shall neglect, for the space of sixty days after the passage of said order, to cause the said improvements to be made, the Superintendent of Public Streets, Highways, and Squares of said city and county shall thereafter, by a notice in writing, to be delivered to said owner personally, or if said owner shall not



reside upon said lot, to be left upon said lot, require the said owner forthwith to cause said improvements to be made; and if the said owner shall neglect, for the space of ten days thereafter, to cause the said improvements to be commenced, and thereafter to be prosecuted [with] reasonable diligence, the said Superintendent may enter into a contract, in writing, with any suitable person to make said improvement at the expense of said owner, at a reasonable price, to be determined by said Superintendent, and such owner shall be liable to pay the same; and upon the completion of the said contract to the satisfaction of the said Superintendent, who shall thereupon issue his certificate to that effect, stating therein the amount due upon said contract. The said contractor shall cause the said contract and certificate to be recorded in the office of the County Recorder in and for the City and County of San Francisco, and shall thereafter have a lien upon the said lot of land in front of which he has made the said improvement, for the amount specified in said certificate, until the same shall be paid, which said lien may be enforced in the mode provided by law for the foreclosure of mortgages or other liens.

Superintendent to make contract.

SEC. 5. Order number one thousand three hundred and thirteen, adopted by the Board of Supervisors of the City and County of San Francisco, September thirteenth, A. D. eighteen hundred and seventy-six, is hereby confirmed and made valid; *provided, however*, that nothing is hereby intended to prevent the said Board of Supervisors from amending or repealing the said order, and that the said order shall only remain in force during the pleasure of the said Board.

Order confirmed.

SEC. 6. This Act shall take effect from and after its passage.

# CHAP. DXXXII.—*An Act to further define the judicial districts in the City and County of San Francisco.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There is hereby added to each judicial district in the City and County of San Francisco, the Court-room in the building known as the New City Hall, now assigned by competent authority, or which may hereafter be so assigned to such judicial district.

Court-room added.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DXXXIII.—*An Act to authorize the Board of Supervisors of Monterey County to open a public highway, and construct and build a bridge across the Salinas River.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Power granted to open highway and construct bridge.

SECTION 1. To the County of Monterey is hereby granted power to open a public highway between the Town of Castroville and Monterey, and to construct a bridge across the Salinas River, at some point between Martin's crossing and the termination of Cooper's lane, leading from Castroville to the river.

Bridge to have double track.

SEC. 2. The said bridge shall have a double track, one of sufficient width and capacity for the accommodation of the public travel, and the other of sufficient width and capacity for the use of the Monterey and Salinas Valley Railroad Co. to cross their trains thereon. Said bridge shall be constructed in a good and substantial manner, of durable materials, and when completed shall at all times be kept in passable order; and the said Monterey and Salinas Valley Railroad Company, and their assigns, shall keep the same in repair for the use thereof, and shall be responsible for any damages arising to persons or property crossing said bridge, caused by reason of any neglect in keeping said bridge in proper repair and condition.

Must be kept in repair

Supervisors to advertise for plans and proposals.

SEC. 3. Within thirty days after the passage of this Act, the Board of Supervisors of said county shall advertise in one daily newspaper published in the City and County of San Francisco, and in one newspaper in Monterey County, for twenty days next thereafter, for plans and specifications for the construction of said bridge, and shall, within twenty days after the expiration of said advertisement, adopt some plan for said bridge, and immediately thereafter make public advertisement in one or more newspapers published in Monterey County, and in one daily newspaper published in the City and County of San Francisco, that they will receive proposals for the construction of said bridge in accordance with the plans and specifications adopted, and that they will award the contract to the lowest bidder who will give good and sufficient security for the completion of any contract which he may make respecting the same; *provided*, the Board of Supervisors may reject any and all bids, and advertise again as before.

Auditor to issue bonds; nature of.

SEC. 4. After the award of the contract above provided for, the Board of Supervisors are hereby authorized and directed to order the County Auditor of said county to issue bonds of said Monterey County, not exceeding twenty-five thousand dollars, and said Auditor is hereby authorized and directed, upon the said order of the Board of Supervisors, to issue said bonds. Said bonds shall be signed by the Chairman of the Board of Supervisors, and the County Auditor, and countersigned by the Treasurer of said county, and shall

be of the denomination of one thousand dollars each, payable in gold coin of the United States, and shall bear interest at the rate of seven per cent. per annum, in like gold coin, payable semi-annually: Said bonds shall be made payable fifteen years from the date of their issue, and redeemable after ten years from the date of their issue, at the option of the Board of Supervisors of said county.

SEC. 5. When the Board of Supervisors wish to dispose of said bonds, they shall advertise the fact in one daily paper in the City and County of San Francisco, and one paper in Monterey County, for thirty days, stating where and when they will open sealed proposals, and the conditions, if any, that must accompany the bid, and they shall award the same to the best bidder; *provided, however*, that they may reject any or all of the bids; *provided further*, that no bid shall be received or bond sold at a less rate than ninety-five per cent. of the par value thereof. The money arising from the sale of these bonds shall be applied exclusively to opening said public highway, and constructing and building said bridge across the Salinas River, as provided in section one. The surplus, if any, shall be transferred to the Current Expense Fund of said county.

Bonds; how disposed of.

Money applied.

SEC. 6. The said Auditor, upon the order of the said Board of Supervisors, shall attach coupons to said bonds, and the interest and bonds shall be made payable at the office of the County Treasurer; said coupons shall be duly numbered, and there shall be expressed thereon the amount of interest on coupons, and when and where payable, and they shall be signed by the Chairman of the Board of Supervisors, and County Auditor, and countersigned by County Treasurer.

Coupons attached.

SEC. 7. It shall be the duty of the said Auditor to keep a record of the number, denomination, and amount of all bonds issued, showing the date of issue, to whom issued, and the number of each coupon to each particular bond.

Auditor to keep record.

SEC. 8. In addition to the taxes now authorized by law in the County of Monterey, the Board of Supervisors are hereby authorized to levy and have collected, by the proper officers, such additional tax as they may deem necessary, which shall be set apart to pay the interest on said bonds, and for no other purpose; *provided further*, that in the fiscal year of eighteen hundred and eighty-eight and eighteen hundred eighty-nine, the Board of Supervisors shall have power to levy an additional tax, not to exceed the sum of ten cents on the one hundred dollars, to be collected by the proper officers, to be called the "Bridge Redemption Fund," and all money so collected shall be set apart and used for the redemption of said bonds created by this Act, and for no other purpose. The manner of levying and collecting said tax shall be the same as that provided by law for levying and collecting State and county taxes.

"Bridge Redemption Fund."

SEC. 9. Ten years after the issuance of said bonds, if there be sufficient money in the "Bridge Redemption Fund," after paying the interest due on said bonds, the County Treasurer

Bonds redeemed.

shall publish notice, in a newspaper published in said county, that he will redeem bond or bonds, the number commencing with the first number, and shall give the name to whom it was issued, and the amount, and shall publish said notice for four weeks, and after the expiration of said publication, if the owner or owners of said bond or bonds do not present them for payment, or refuse to receive payment thereon, the interest shall cease, and the County Treasurer is hereby prohibited from paying the interest on the same thereafter; said bonds shall express on their face, "Redeemable after ten years, at the option of the Board of Supervisors of Monterey County."

Canceled  
coupons  
and bonds.

SEC. 10. Whenever the County Treasurer shall pay any coupons or bonds, under the provisions of this Act, he shall cancel the same and preserve the said canceled coupons and bonds, and keep a record thereof, giving the number, date, and amount of each, and from whom received, and shall write across said coupons or bonds the words, "canceled by me," and sign his name, as County Treasurer, thereon.

Moneys  
remaining  
transferred.

SEC. 11. All moneys that may remain in the said "Bridge Redemption Fund," after payment of the coupons and bonds aforesaid, shall be transferred to the Current Expense Fund of the county.

Company to  
have right of  
way; to give  
bonds.

SEC. 12. The Monterey and Salinas Valley Railroad Company, and their assigns, shall have the exclusive right of way over that portion of said bridge which shall be devoted to their use and occupancy, and shall lay their narrow gauge track thereon; *provided*, that said company, or their assigns, give a good and sufficient bond to said Board of Supervisors that they will keep all of said bridge in good repair, during their occupancy thereof, and that they will be responsible for all damages arising to persons or property crossing said bridge, caused by reason of any neglect in keeping said bridge in proper repair and condition; *and provided further*, that said company, or their assigns, within six months from the completion of said bridge, move the line of their route so as to cross the Salinas River at said Martin's crossing.

SEC. 13. This Act shall take effect immediately after its passage.

#### DXXXIV.—*An Act to confer further powers on the Board of Regents of the University of the State of California.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Regents to  
waive stipu-  
lations.

SECTION 1. The Board of Regents of the University of the State of California are hereby authorized to waive any and all stipulations of forfeiture contained in the contract heretofore made between them and Florence Crowley, for the erection of the Mechanics' Art College at Berkeley, provided

said building is completed to the satisfaction of said Regents, and according to contract in all respects, except as to time for the completion of the same.

SEC. 2. The amount heretofore appropriated for the construction of the building, for which the contract has been let to said Crowley, is hereby re-appropriated for said purpose, and shall not lapse into the treasury of State in the event of the non-completion of said building before the first day of July next.

Amount re-appropriated.

SEC. 3. This Act shall take effect immediately.

CHAP. DXXXV.—*An Act relating to advances bona fide made to agents intrusted with goods, and for the better protection of such advances.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. From and after the passage of this Act, any agent who shall thereafter be intrusted with the possession of goods, or of the documents of title to goods, shall be deemed and taken to be the owner of such goods and documents, so far as to give validity to any contract or agreement by way of pledge, lien, or security, bona fide made by any person with such agent so intrusted as aforesaid, as well for any original loan, advance, or payment made upon the security of such goods or documents, as also for any further or continuing advance in respect thereof, and such contract or agreement shall be binding upon, and good against the owner of such goods, and all other persons interested therein, notwithstanding the person claiming such pledge or lien may have had notice that the person with whom such contract or agreement is made is only an agent.

Contract by agent to be binding.

SEC. 2. This Act, and every matter and thing herein contained, shall be deemed and construed to give validity to such contracts and agreements only, and to protect only such loans and advances as shall be made bona fide, and without notice that the agent making such contracts or agreements as aforesaid has not authority to make the same, or is acting mala fide in respect thereof against the owner of such goods and merchandise. And nothing herein contained shall be construed to extend to, or protect any lien or pledge for or in respect of any antecedent debt owing from any agent to any person with or to whom such lien or pledge shall be given, nor to authorize any agent intrusted as aforesaid in deviating from any express orders or authority received from the owner; but that for the purpose and to the intent of protecting all such bona fide loans and advances as aforesaid (though made with notice of such agent not being the owner, but without any notice of the agents acting without authority), and to no further or other intent or pur-

Bona fide loans only to be protected.

pose. Such contract, or agreement, as aforesaid, shall be binding on the owner, and all other persons interested in such goods.

A document  
of title.

SEC. 3. Any bill of lading, dock warrant, warehouse keeper's certificate, warrant, or order for the delivery of goods, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing, or purporting to authorize, either by indorsement or delivery, the possessor of such document to transfer or receive goods thereby represented, shall be deemed and taken to be a document of title within the meaning of this Act; and any agent intrusted as aforesaid, and possessed of any such document of title, whether derived immediately from the owner of such goods, or obtained by reason of such agents having been intrusted with the possession of the goods, or of any other document of title thereto, shall be deemed and taken to have been intrusted with the possession of the goods represented by such document of title as aforesaid, and all contracts pledging or giving a lien upon such document of title as aforesaid shall be deemed and taken to be, respectively, pledges of and liens upon the goods to which the same relates; and such agent shall be deemed to be possessed of such goods or documents, whether the same shall be in his actual custody, or shall be held by any other person subject to his control, or for him, or on his behalf. And where any loan or advance shall be bona fide made to any agent intrusted with, and in possession of, any such goods or documents of title as aforesaid, on the faith of any contract or agreement, in writing, to consign, deposit, transfer, or deliver such goods or documents of title as aforesaid, and such goods or documents of title shall actually be received by the person making such loan or advance, without notice that such agent was not authorized to make such pledge or security, every such loan or advance shall be deemed and taken to be a loan or advance on the security of such goods or documents of title, within the meaning of this Act, though such goods or documents of title shall not actually be received by the person making such loan or advance till the period subsequent thereto; and any payment made, whether by money, or bills of exchange, or other negotiable security, shall be deemed and taken to be an advance, within the meaning of this Act; and an agent in possession, as aforesaid, of such goods or documents shall be taken, for the purposes of this Act, to have been intrusted therewith by the owner thereof, unless the contrary can be shown by evidence.

Loan or advance on  
security of  
goods.

Civil responsibility of  
agent not  
affected.

SEC. 4. *Provided, always,* that nothing herein contained shall lessen, vary, alter, or affect the civil responsibility of an agent for any breach of duty or contract, or non-fulfillment of his orders or authority in respect of any such contract, agreement, lien, or pledge, as aforesaid.

Agent violating good  
faith;  
penalty.

SEC. 5. If any agent, entrusted as aforesaid, shall, contrary to or without the authority of his principal in that behalf, for his own benefit and in violation of good faith, make any consignment, deposit, transfer, or delivery of any goods or documents of title, so intrusted to him as aforesaid,

as and by way of a pledge, lien, or security, or shall, contrary to or without such authority, for his own benefit, and in violation of good faith, accept any advance on the faith of any contract or agreement to consign, deposit, transfer, or deliver such goods or documents of title aforesaid, every such agent shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned in the State's Prison for not less than five nor more than ten years.

SEC. 6. Nothing herein contained shall prevent such owner, as aforesaid, from having the right to redeem such goods, or documents of title, pledges as aforesaid, at any time before such goods shall have been sold, upon the repayment of the amount of the lien thereon, or restoration of the securities in respect of which such lien may exist, and upon payment or satisfaction to such agent, if by him required, of any sum of money for or in respect of which such agent would by law be entitled to retain the same goods or documents, or any of them, by way of lien as against such owner, or to prevent the said owner from recovering of and from such person with whom any such goods or documents may have been pledged, or who shall have any such lien thereon, as aforesaid, any balance or sum of money remaining in his hands as the produce of the sale of such goods, after deducting the amount of the lien of such person, under such contract or agreement as aforesaid.

Owner to redeem goods; how.

SEC. 7. In construing this Act the word "person" shall be taken to designate a body corporate, or company, as well as an individual; and the words in the singular number shall, when necessary to give effect to the intention of the said Act, import also the plural, and *vice versa*; and words used in the masculine gender shall, when required, be taken to apply to a female as well as a male.

Word "person;" how construed.

SEC. 8. Nothing herein contained shall be construed to give validity to or in anywise to affect any contract, agreement, lien, pledge, or other act, matter, or thing made or done before the passage of this Act.

# CHAP. DXXXVI.—*An Act regulating the collection of poll tax in Merced County.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Poll tax, in Merced County, must be collected by the County Assessor between the first Monday in March and the first Monday in July of each year.

Poll tax; when collected.

SEC. 2. The County Treasurer of Merced County must, before the first Monday of March of each year, cause to be printed, of two dollar poll tax receipts, a sufficient number for the use of the Assessor, and before the first Monday of

Treasurer to have receipts printed.

July of each year, of three dollar poll tax receipts, sufficient for the use of the Tax Collector aforesaid.

Auditor to deliver receipts.

SEC. 3. The Auditor of Merced County must, at any time between the first Monday in March and the first Monday of July of each year, upon demand, deliver to the Assessor the two dollar receipts, and charge him therewith, and must, at any time after the first Monday in July of each year, upon demand, deliver to the Tax Collector the three dollar receipts, and charge him therewith.

Final settlement.

SEC. 4. On the first Monday of July of each year, the Assessor must return to the Auditor all two dollar poll tax receipts received by him and not used, and make final settlement with the Auditor, and pay to the Treasurer the total amount collected by him and not before paid in, less the amount of his fees, and make final settlement with the Treasurer.

Assessor to keep roll.

SEC. 5. The Assessor must keep a roll of the names and local residence or place of business of all persons subject to or liable for poll tax, and if paid, the date and amount of each payment, and if not paid the cause of non-payment.

Auditor to charge with three dollar receipts.

SEC. 6. On the first Monday of July of each year, the Assessor must deliver to the Auditor the roll so made up, and if any person, assessed for a property tax, has not paid to the Assessor the poll tax due from him, or for which he is liable, the Auditor must charge said person with three dollars poll tax on the assessment roll before he delivers it to the Tax Collector.

A lien; how constituted.

SEC. 7. If any person, assessed for a property tax, has not paid to the Assessor the poll tax due from him, or for which he is liable, it, with fifty per cent. in addition thereto, constitutes a lien upon the property assessed to such person, to attach from the first Monday in July of each year, and must be collected by the Tax Collector in the same manner and at the same time as property taxes are collected.

SEC. 8. All Acts or parts of Acts which conflict with the provisions of this Act are repealed.

SEC. 9. This Act shall take effect and be in force on and after the first Monday of May, A. D. 1878.

CHAP. DXXXVII.—*An Act to amend sections three and four of an Act to regulate the practice of pharmacy in the City and County of San Francisco, passed March twenty-eight, A. D. eighteen hundred and seventy-two, and amended March thirty-first, eighteen hundred and seventy-six.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Graduates defined.

SECTION 1. Section three of said Act is amended so as to read as follows: Section three. Graduates in pharmacy are



persons who have had four years in stores where prescriptions of medical practitioners are compounded, and each must have obtained a diploma from a College of Pharmacy within the United States, or from an authorized foreign institution or Examining Board. Licentiates in pharmacy Licentiates are persons who have had four years' experience in stores where prescriptions of medical practitioners are compounded, and shall have passed an examination before the Board of Pharmacy, or pharmacists who shall present satisfactory credentials or certificates of their attainments to the Board of Pharmacy. Practicing pharmacists are such persons only who, at or prior to the passage of this Act, have kept and continue to keep pharmacies in the City and County of San Francisco for compounding and dispensing the prescriptions of medical practitioners, and for the sale of medicines and poisons. Registered assistants. Registered assistants in pharmacy are persons of not less than eighteen years of age, who are employed by registered pharmacists and have studied the art of pharmacy for three years, and have furnished satisfactory evidence of the same, and have passed the examination of the Board of Pharmacy, and have been registered as assistant pharmacists as hereinafter provided. Section four of said Act is amended to read as follows: Section four. The members of the California Pharmaceutical Society, Society to elect Board of Pharmacy. residing in San Francisco, shall, during the month of May, eighteen hundred and seventy-two, and every third year thereafter, during the month of May, elect five of the most competent pharmacists of San Francisco to serve as a Board of Pharmacy. The members of this Board shall, within thirty days after the appointment, individually take and subscribe, before the County Clerk, an oath faithfully and impartially to discharge the duties prescribed by this Act. They shall hold office for the term of three years, and until their successors are appointed and qualified; and in each case of vacancy, the said Board of Examiners shall elect from three nominees selected at a meeting of the said society. Board to organize. The Board shall organize for the transaction of business, in the City of San Francisco, by the election, for the whole term, of President and Secretary. Three members of the Board shall constitute a quorum. Meetings; duties of. They shall meet at least quarterly, and have power to make by-laws for the proper fulfillment of their duties. The duties of this Board shall be to transact all business pertaining to the legal regulations of the practice of pharmacy and the retailing of poisons, and to examine and register as pharmacists, or assistant pharmacists, all applicants whom it shall deem qualified to be such, respectively. All persons applying for examination, except as assistants, shall pay to the Secretary a fee of five dollars, and on passing the examination shall be furnished with a certificate, signed by the President and Examiners.

CHAP. DXXXVIII.—*An Act to amend an Act entitled an Act to confer further powers on the Board of Trustees of the City of Sacramento.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Trustees to determine land covered with stagnant water; owners to fill up same.

Protest against filling up lot.

City Attorney to collect delinquent tax

SECTION 1. Section two (2) of said Act is hereby amended so as to read as follows: Section 2. Whenever said Board shall declare a lot or portion of lot to be included within the provisions of section one herein, they shall cause to be entered in their minutes of proceedings an order, which may be in substance in the following form: The Board of Trustees of the City of Sacramento hereby determine that (here describe the real estate) is covered with stagnant water portions of the year. It is, therefore, ordered that the owner or owners thereof fill up the same to a proper level, to be fixed by the City Surveyor, or that the same be filled up at his or their expense. The owner of any lot or portion thereof, included in such order, may at any time prior to awarding a contract for doing the work as provided for in section (3) three herein, present and file with the Board a protest against the filling up of such lot as contemplated by the order, on the ground that such lot or portion thereof is not, during any portion of the year, covered with stagnant water. And if, on a hearing of such protest, the Board finds the same to be true, they shall, by their order, exclude such lot or portion of a lot from their original order; but if the Board find the protest to be not true, they shall proceed as if no such protest had been presented or filed.

SEC. 2. Section (7) seven of said Act is hereby amended so as to read as follows: Section 7. Immediately after the City Surveyor shall have made out the assessment provided for in section five herein, he shall place the same in the hands of the City Attorney, or attorney who shall have, by law, the collection of delinquent city taxes, who shall advertise notice for three consecutive weeks, as often as once a week, directed to the owners of such real estate, and describing the same in the notice, to the effect that if the assessments be not paid within the time stated in the notice suits will be commenced to enforce the collection thereof, and suits may be commenced, and the payment thereof enforced, in all respects, as now provided by statute or city ordinance for the collection of assessments for street grading or street improvements done by or under authority of said city.

SEC. 3. After advertising for bids to do the work, as provided in section (3) three of this Act, if there be no bidder for the work of filling any block, lot, or part thereof, and it shall appear to the satisfaction of the Board of Trustees that by reason of stagnant water standing or being thereon portions of the year, the health of a large number of the people of the city is injuriously affected thereby, it is made the duty of said Board, by their unanimous vote, to order and cause the work of filling such block, lot, or parcel thereof to

be paid out of the Street Crossing Fund; and immediately after such order shall have been made, the Superintendent of Streets must, in manner as in this Act provided, again advertise for bids for doing the work, reciting in the notice that the same will be paid out of the Street Crossing Fund; and if the owner of such real estate fails to pay to the city fifty per cent. of the cost of such work when completed, such property shall be treated and reported as delinquent, as in other cases of non-payment under this Act, and suit may be brought, and such property sold, as in other cases of delinquency under this Act. And the money realized from the sale, after deducting the costs of the action and delinquency, paid into the city treasury, fifty per cent. for the use of the city, and the balance for the owner of the property; *provided*, the proceeds of the sale of property so sold shall all be for the use of the city until one-half of the cost and expense of doing the work is realized; and if there be no bidder at the sale, the same shall be struck off and sold to the city; but within one year the original owner may redeem such lot from the sale on complying with the provisions of this Act.

Superintendent to advertise for bids.

CHAP. DXXXIX.—*An Act to provide for the construction of a railroad from Ione, in the County of Amador, to a point in or near the Towns of Sutter Creek or Jackson, in said county, and to regulate fares and freights thereon.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The right to lay out, construct, maintain, and use the same, by running thereon cars propelled by steam, or other motive power, for the convenient and profitable use thereof, and by such route as may be deemed most advantageous, between Ione and a point in or near the Towns of Sutter Creek or Jackson, and the right to extend the same to any point easterly from said point in the County of Amador, is hereby granted to James G. Mhoon, W. S. Cooledge, and Geo. R. Adams, or their associates and assigns, for the term of fifty years; *provided*, the construction of said road shall be commenced within two years from the passage of this Act.

Right granted to construct railroad.

SEC. 2. The parties aforesaid, and their assigns, may, in the construction of said road, use rails therefor and thereon of such material, form, and dimensions as in their judgment they may deem proper.

Rails used.

SEC. 3. It shall be lawful for the parties aforesaid, and their assigns, to charge and receive any sum not exceeding fifteen cents per mile for each passenger, and twenty-five cents per ton per mile for freight transported on said road; *provided*, that upon freight transported on said road for any

Rate of fare.

distance not exceeding seven miles, twenty-five per cent. may be added to the above rates.

Rates on  
freight.

SEC. 4. On all articles, dry goods, furniture, machinery, agricultural implements, hardware, leather, liquors, oils, paper, wool, brooms, broom-corn, carriages, manufactured goods in cases, of which two thousand pounds shall measure fifty cubic feet and less than sixty cubic feet, there may be added to the rates allowed by section three of this Act twenty-five per cent. thereof; on all articles two thousand pounds of which shall measure sixty cubic feet and less than seventy cubic feet, there may be added to such rates fifty per cent. thereof; on all articles two thousand pounds of which shall measure seventy cubic feet and less than eighty cubic feet, there may be added to such rates seventy-five per cent. thereof; and on all articles two thousand pounds of which shall measure eighty cubic feet and upwards, there may be added to such rates one hundred per cent. thereof; *provided*, the provisions of this section shall not apply to lumber, wood, bolts, fence posts, shingles, shakes, fire-wood, and hay in bale.

Packages,  
etc.

SEC. 5. On all single packages weighing two thousand pounds and less than three thousand pounds, there may be added to the rates allowed in section three of this Act twenty-five per cent. thereof; and on all single packages weighing three thousand pounds and less than four thousand pounds, there may be added to such rates fifty per cent. thereof; and on all single packages weighing four thousand pounds and less than five thousand pounds, there may be added to such rates seventy-five per cent. thereof; and all single packages weighing five thousand pounds and upwards, there may be added to such rates one hundred per cent. thereof.

Charges for  
explosive  
materials.

SEC. 6. On all gunpowder, camphene, acids, or any explosive material of a like nature, also on glass and glassware, there may be added to the rates provided in section three of this Act, one hundred per cent. thereof.

Discrimina-  
tion not  
allowed.

SEC. 7. No discrimination shall be made between persons, parties, or localities, as to fares and freights, or the transportation of goods, and no free passes shall be issued or given to any person or party to travel the road, except to those who are actually engaged in the business of the road. Any violation of this section shall be deemed a misdemeanor.

Conduct of  
parties; how  
governed.

SEC. 8. Said parties, their associates and assigns, in the conduct and management of said railroad, shall have all the powers, and be subject to all the liabilities, and conform to all the requirements contained in Chapters Two and Three, of Title Three, of the Civil Code of California, relating to railroad corporations, so far as the same may be consistent with the provisions of this Act.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. DXL.—*An Act to amend an Act entitled "An Act entitled an Act to district the City of Oakland into wards," approved February nineteenth, one thousand eight hundred and seventy-six.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section five of the Act entitled "An Act entitled an Act to district the City of Oakland into wards," approved February nineteenth, one thousand eight hundred and seventy-six, is hereby amended so as to read as follows: Section five. In case of vacancy occurring in any of the offices which are herein provided for, except that of School Director, the City Council shall, by a vote of the Council, have power to fill the same by appointing a person from the same ward in which the vacancy occurred, to hold office until the next election held under the provisions of this Act. In case of vacancy in the office of Superintendent of Public Schools, or of School Director, the same shall be filled in like manner by vote of the Board of Education of said city. Amended.  
Vacancies;  
how filled.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DXLI.—*An Act to authorize the Board of Supervisors of Yolo County to levy taxes for county purposes.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the County of Yolo is hereby empowered and authorized to levy and collect, annually, in the manner provided by law for levying and collecting State taxes, a tax for county expenditures as follows: For the Contingent Fund, not exceeding forty (40) cents; for the Salary Fund, not exceeding twenty (20) cents; for the General Fund, not exceeding thirty (30) cents; for the Hospital Fund, not exceeding fifteen (15) cents, on each one hundred dollars of taxable property in said county. Tax for  
county ex-  
penditures.

SEC. 2. All Acts and parts of Acts in conflict with this Act, so far as they are applicable to the County of Yolo, are hereby repealed. Repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. DXLII.—*An Act to provide for the payment of the indebtedness of Snelling School District, County of Merced, in the State of California.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Trustees to ascertain indebtedness.

SECTION 1. The Board of Trustees of the Snelling School District, in the County of Merced, in the State of California, shall, within sixty days after the passage of this Act, at any regular or special meeting of said Board, ascertain and estimate, as near as practicable, the amount of the indebtedness of said district, on account of the building of the school house in said district, and the amount of such estimate shall be entered in full by the Clerk of said Board in his record book, and the amount of such estimate, when so entered, shall be deemed to be the sum legally owing by said district on account of the building of said school house.

Board to issue bonds.

SEC. 2. For the purpose of obtaining money to pay said indebtedness, the Board of Trustees of said district shall immediately thereafter issue, and cause to be issued, bonds of said district, for a sum not exceeding the amount of such indebtedness, so estimated and ascertained as aforesaid, payable in annual installments of not exceeding two thousand dollars of the principal, on the first Monday of May of each and every year thereafter, until said bonds are fully paid and redeemed; and the same shall bear interest from the date of their issuance, at the rate of not less than eight nor more than twelve per cent. per annum, payable annually thereafter, as in this Act provided, until said principal and interest are fully paid.

Bonds; how issued, amount of, etc.

SEC. 3. Said bonds shall be issued upon the order of the Board of Trustees of said district, and shall be signed by the Chairman of said Board, and attested by the Clerk of said Board, and shall be countersigned by the County Treasurer. The bonds shall be issued in denominations of not less than one hundred nor more than five hundred dollars, and in all shall not exceed the amount of the said indebtedness. Said bonds shall be consecutively numbered as issued, and shall bear interest at the rate of not less than eight nor more than twelve per cent. per annum, each having coupons attached for said interest. Such coupons shall be consecutively numbered, signed, and attested, in the same manner as the bonds. Said bonds and the interest coupons thereon shall be payable at the office of the County Treasurer of said County of Merced, as hereinafter provided; coupon number one shall be for the amount of interest due upon the bond from its date to the first Monday of May, A. D. 1879, and shall be payable on that day, and the balance of the coupons shall be for twelve months interest each, being payable successively, on the first Monday of May thereafter, until said bonds shall mature and be fully liquidated.

Coupons attached.

SEC. 4. It shall be lawful for the said Board of Trustees

of said district to convert said bonds into money, by selling the same, after at least twenty days' advertising for sealed proposals to purchase the same, in two or more newspapers published in this State; to the highest bidder or bidders for cash, at such place as the said Board of Trustees may designate, for the purpose of raising funds to pay said indebtedness; *provided*, that no bond shall be disposed of at a discount of more than five per cent. The proceeds of all the bonds issued under the provisions of this Act shall be used and applied exclusively to the payment of said indebtedness. For the payment of the bonds so issued, said Snelling School District shall become liable for both principal and interest. In case the owner or owners of any of said bonds shall neglect or fail to present the same to the County Treasurer for payment, when the same shall become due and payable, said bonds shall thereafter cease to bear interest.

Bonds may be converted to money.

Proceeds; how used.

SEC. 5. It shall be the duty of the said Board of Trustees, and of the County Treasurer of said county, to keep a correct record of all bonds issued under the provisions of this Act, showing the number, date, and amount of each, and to whom issued, when payable, and when paid.

Record of bonds to be kept.

SEC. 6. Whenever the County Treasurer shall pay any bond or coupon under the provisions of this Act, he shall indorse on the said bond or coupon so paid the date of the redemption, and from whom redeemed, and the amount paid to redeem the same. He shall preserve in his office all bonds or coupons redeemed, and shall keep a record of the same, giving number, date, and amount of each, and from whom received, and across each of the bonds and coupons so redeemed he shall write the words "canceled by me," and sign the same in his official capacity; and on or before the first Monday of January of each year the said County Treasurer shall return to said Board of Trustees a verified statement, showing the number and amount of bonds redeemed and paid by him, on or before the first Monday of May of the preceding year.

Treasurer to indorse bond; also to keep record.

SEC. 7. It shall be the duty of the Board of Trustees of said district, between the first day of January and the first day of April of each year, and for the purpose of paying and redeeming said bonds and coupons, and they are hereby authorized and empowered to levy and cause to be collected a tax from the real and personal property of said district, each year, of such an amount as will pay not less than one-fifth part of the whole amounts of said bonds, and one year's interest then due, or next to become due, on said bonds, which said tax shall be levied and collected in the same manner as special school district taxes are now levied and collected by law, except that the question as to whether said tax shall be levied or not shall not be submitted to a vote of the electors of said district, and said electors shall only be required to elect an Assessor and Tax Collector, for the purpose of assessing the property of said district and collecting said assessment. Such Assessors and Tax Collectors shall be elected in the same manner as is now or may hereafter be provided by law, and they shall each, when so elected,

Trustees to levy tax.

Assessor and Tax Collector to be elected.

qualify in the same manner, and discharge and perform the same duties, and in the same manner, as is now by law required of special school district Assessors and Tax Collectors, except as otherwise specially provided in this Act.

Snelling  
School Dis-  
trict Bond  
Fund.

SEC. 8. When said tax is collected, the said Trustees shall pay, or cause the same to be paid, over to the County Treasurer of Merced County, and the County Treasurer shall receipt for the same in his official capacity, and shall immediately thereafter set the whole amount so received by him apart as a separate fund, to be called the "Snelling School District Bond Fund," which fund shall only be used for the redemption of said bonds, and interest.

Treasurer  
to redeem  
bonds.

SEC. 9. Upon the presentation of the coupons due to the said County Treasurer, he shall pay the same from said bond fund. Whenever said bond fund shall amount to the sum of one-fifth of the whole amount of the bonds issued as aforesaid, besides the amount of any accrued interest due upon the coupons, the said County Treasurer shall pay such an amount of said bonds as the money in said fund will redeem at the lowest value at which they may be offered for liquidation, after advertising, for not less than three weeks, in such newspaper printed in this State as he may think most likely to give notice to the bondholders, for sealed proposals for the redemption of said bonds, said proposals to be publicly opened, at the time and place named in the notice, and the lowest bid for said bonds shall be accepted; *provided*, that no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of such bonds shall desire to have the same redeemed, the County Treasurer shall publish a notice, in the same newspaper in which the notice for bids was published, and for the same period of time, to the effect that a sufficient number of said bonds, commencing at the lowest number unpaid, and giving the number of the bonds to be redeemed, will be paid upon presentation. If said bonds, or any of them, mentioned in said notice, shall not be presented within thirty days after the expiration of the time of the publication, they shall, from that time, cease to draw interest.

SEC. 10. This Act shall take effect immediately.

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CHAP. DXLIII.—*An Act to amend an Act entitled "An Act to re-incorporate the City of San José," approved March 17th, 1874.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Certain  
officers to  
inspect  
street work.

SECTION 1. Section twenty-two of an Act entitled "An Act to re-incorporate the City of San José," approved March 17th, 1874, is hereby amended so as to read as follows: Section



22. Whenever any street shall be approved, under contract, in accordance with the provisions of the charter, it shall be the duty of the Commissioner of Streets, the City Engineer, and the Chairman of the Street Committee, to examine said work while in progress, and carefully inspect the same when completed, and upon the completion of said work, the Commissioner, and said Engineer, and said Chairman of the Street Committee, shall file, in writing, with the City Clerk, their acceptance or rejection of said work; and whenever any such work is accepted, the City Clerk shall, upon the filing of said certificate of acceptance as aforesaid, give notice thereof by publication for five consecutive days, in some daily newspaper printed and published in the City of San José. Said notice shall state the amount due by said city for said work, and that warrants will be drawn for the payment of the same at the next regular or special meeting of the Mayor and Common Council, and that within said time all laborers or persons furnishing materials, performing labor, or furnishing materials used in the performance of the contract for the improvement of such street, may file with the City Clerk a statement of their claims for labor or materials so furnished; and if said accounts or statements so filed are undisputed by the contractor, warrants shall be drawn therefor, in favor of the persons presenting such claims, to the extent of the contract price, or so much thereof as may then be due said contractor from said city. If the aggregate of the claims so filed with the City Clerk amounts to more than the contract price for said work, or the amount then due from said city to said contractor, then, and in that case, the warrants shall be drawn in favor of the persons filing said claims, so that each person shall receive his pro rata share of the amount due the contractor from said city, and said payments shall be made to such persons so filing claims, in preference to any claim due to said contractor, or to any assignee from him. If said claims, so filed, or any one of them, are disputed by said contractor, the amount thereof shall be retained by the City Treasurer until the same shall be adjudicated in a Court having competent jurisdiction. All warrants under this section shall be drawn on the General Fund, but no warrant shall be drawn on liability created until such written acceptance is duly filed.

laborers to  
file claim.

Claims more  
than con-  
tract price.

SEC. 2. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force immediately upon its passage and approval.

CHAP. DXLIV.—*An Act to amend an Act entitled an Act to fix the terms of the County Court and Probate Court, in the County of Merced, approved March 11th, 1876.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Act amended.

SECTION 1. Section one of said Act is amended to read as follows: Section one. The regular terms of the County Court and Probate Court, in and for Merced County, shall be held at the county seat of said county, on the first Monday in April, August, and December in each year.

SEC. 2. This Act shall take effect from and after May 1st, 1878.

CHAP. DXLV.—*An Act to provide for the construction of a roadway on Bay Farm Island, in the Town of Alameda.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Tax to be levied.

SECTION 1. The Board of Trustees of the Town of Alameda is hereby authorized and empowered, if in its judgment it shall deem proper so to do, to levy and collect, annually, for a period of two years from and after the passage of this Act, an annual tax not exceeding ten cents on each one hundred dollars of the taxable property in said town, for the purpose of constructing a roadway over and across Bay Farm Island, in said town.

"The Bay Farm Road Fund."

SEC. 2. Said tax shall be levied and collected at the same time and in the same manner as other taxes for town purposes, and when so collected shall be paid into a fund to be known as "The Bay Farm Road Fund," and said fund shall be used only for the purpose of the construction of said roadway.

Roadway: how constructed.

SEC. 3. Said roadway shall be constructed under the superintendence of the Street Superintendent of said town, in accordance with the ordinance of said Board of Trustees.

SEC. 4. This Act shall take effect immediately.

CHAP. DXLVI.—*An Act to ratify certain contracts and ordinances of the Council of the City of Los Angeles.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Council of the City of Los Angeles is hereby empowered to contract for the proper sprinkling of the streets of said city, or for the supply of water for such purposes, either with the Los Angeles City Water Company, or any other party, and is empowered to provide for the payment of any compensation agreed, or to be agreed to be paid for such service, in the same manner that any other expenses on the part of said city is or shall be provided for.

Council to contract.

CHAP. DXLVII.—*An Act concerning the macadamizing, etc., of Tyler Street, from Market to Devisadero Street, and to prohibit the laying down of railroad tracks thereon.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to have the roadway of Tyler Street, from Market to Devisadero Street, in said city and county, macadamized, curbed with stone curbs, and stone crosswalks laid on the cross streets, sidewalks constructed thereon where not already constructed, and the sidewalks thereon reconstructed, and sewers to be constructed in said street where not already constructed. The roadway of said Tyler Street is to be excavated to a sufficient depth to permit the making a bed for said macadam to rest upon, one foot in depth, composed of good hard rock, free from dirt; said rock to be well broken and rolled down before the macadam is placed thereon. After said road bed shall have been so prepared, there shall be placed thereon the best quality of either basalt, blue gneiss, trap rock, or granite, as per sample to be furnished by the Street Superintendent of said city and county. Said rock is to be broken to an egg size before brought on the work. The bottom of the gutter-ways to be eight inches below the top of the curbs, and to be paved with basalt blocks for two and a half feet from the curbs, and the roadway to have a crown to the center of not less than six inches above the top of the curbs; it is then to be well rolled down; it is then to be covered to the depth of two inches with said rock, finely broken; after the work is done, it is again to be

Supervisors authorized to have work done.

rolled down. The macadam is to be twelve inches in depth at the center, and six inches in thickness at the sides, after rolling the same. The curbs and crosswalks are to be of the best California stone, clear, and of the best quality, and are to be constructed in accordance with plans on file in the office of the Superintendent of Public Streets and Highways. The sewer and sidewalks are to be constructed in conformity to plans and specifications to be furnished by said Superintendent. All surplus material is to be removed, and the work is to be done in a good and workmanlike manner, under the direction and to the satisfaction of said Superintendent. The mode and manner of letting said work, and of making and collecting the assessment to be issued for the cost of said work, shall be the same as is now in force in said city and county in relation to street work, being Article Four of the Consolidation Act.

Manner of  
letting  
work.

Work shall  
be accepted.

SEC. 2. When the roadway of said portion of Tyler Street shall have been constructed, as provided aforesaid, the same shall be accepted by the Board of Supervisors, subject to such other provisions as are provided by section twenty, of Chapter Five Hundred and Sixty-two, of the Session Laws of eighteen hundred and seventy-one and two, approved April first, eighteen hundred and seventy-two, and thereafter the same shall be kept repaired and sprinkled at the expense of said city and county.

Franchise to  
lay railroad  
prohibited.

SEC. 3. The said Board of Supervisors are hereby prohibited from granting any right or franchise to lay railroad tracks upon or over said street, lengthwise of the same, between the points named.

Shade trees.

SEC. 4. Said Board of Supervisors are authorized to have shade trees planted along said Tyler Street, under such regulations as said Board may adopt, and thereafter have the same protected.

SEC. 5. This Act to take effect from and after its passage.

CHAP. DXLVIII.—*An Act to authorize the Board of Supervisors of Santa Clara County to audit and pay certain claims.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Supervisors  
to audit  
claims.

SECTION 1. The Board of Supervisors of Santa Clara County are hereby authorized and empowered to audit the several claims for labor, material, and supplies furnished to E. L. Derby, as contractor for the construction of what is known as Lick Avenue, in said county, and which labor, materials, and supplies were used by said Derby in the construction of said Lick Avenue, and for which labor, materials, and supplies the said Derby has failed and neglected to pay, and said Board of Supervisors are hereby authorized and

empowered to pay to each of such claimants an amount of money, not to exceed fifty per centum of the amount, which said Board shall, after full and careful investigation, find it legally, justly, and equitably due to such claimant from said Derby for labor, materials, or supplies furnished him in the construction of said Lick Avenue.

SEC. 2. The Board of Supervisors of Santa Clara County are further authorized and empowered to audit the claim of B. F. Graham for services rendered, and labor and materials furnished, in the repair of the old wooden bridge on the Coyote River, at the point known as the Santa Clara Street crossing, and said Board may pay to the said B. F. Graham the amount found by them to be justly and equitably due him for said services, labor, and materials so furnished; *provided*, that the sum so paid shall not, in any event, exceed the sum paid by the City of San José to said Graham, as its full share of expense for said repairs to said bridge.

Claim of B. F. Graham.

SEC. 3. All moneys paid out by the said Board of Supervisors under the provisions of this Act shall be paid from the Current Expense Fund of Santa Clara County.

Moneys; how paid.

SEC. 4. This Act shall take effect and be in force from and after its passage and approval.

CHAP. DXLIX.—*An Act amendatory of and supplementary to an Act entitled an Act to provide for the construction and repair of bridges in the County of Mendocino, approved March 27th, 1878.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The bridge to be constructed across South Eel River, referred to in said Act to which this is amendatory, may be constructed across said South Eel River at the point specified in said Act, or if the Board of Supervisors of Mendocino County shall, within ninety days from the passage of this Act, cause to be located a road leading from Ukiah, by Eden Valley, to Round Valley, and crossing said South Eel River at some other place than the one where the present road crosses said river, the Board of Supervisors may construct such bridge across said South Eel River at the point where such new road crosses the said South Eel River.

Bridge constructed.

*CHAP. DL.—An Act to confer upon the City of Sacramento the power to construct such canals and levees as may be necessary to its drainage and to its permanent protection from overflow.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

City to establish system of drainage.

What to cost.

SECTION 1. The City of Sacramento, by its Board of Trustees, is hereby authorized to adopt and establish a system of levees, canals, and drainage, and to construct and maintain the works necessary thereto; and to repair, maintain, construct, and control all levees, canals, and other works necessary to the protection of said city; *provided, however*, that no system or plan shall be adopted by said Board which will cost over twenty thousand dollars, unless such plan is first submitted to and ratified by a vote of the electors of said city. Said Board of Trustees is hereby declared to be the legal representatives and successors of the Board of Supervisors of the County of Sacramento, and of the Board of Levee Commissioners of the City of Sacramento, in all matters pertaining to the Sacramento Drainage Canal, and in all matters pertaining to the levees in the City of Sacramento, and in all matters pertaining to all the levees, canals, and other works which said city shall hereafter adopt as part of its system of levees or drainage; and of said canal and said levees in said city, and such other canals, levees, or other works of protection as said city may hereafter adopt or construct, the said Board of Trustees shall have the sole control. Said Board may prescribe the time and mode in which any proposed system of drainage or levees may be submitted to the electors of said city.

City to condemn property.

SEC. 2. The purposes for which the works mentioned in section one are constructed, are hereby declared public uses, and the City of Sacramento is hereby authorized to proceed, under the provisions of the Code of Civil Procedure, to condemn any and all property necessary to the construction and maintenance of such works.

Money; how raised.

SEC. 3. The City of Sacramento, if it adopt any plan, involving the expenditure of more than twenty thousand dollars, may raise the money required to carry out such plan, either by the issuance of bonds, certificates of indebtedness, or by direct taxation, as the people may at said election determine.

City to make contracts.

SEC. 4. The City of Sacramento may make such contracts with any swamp land, levee, or reclamation district now in existence or hereafter to be formed, or with any person, or body politic or corporate, whereby each may be compelled to contribute its proper quota towards any works necessary to be constructed outside of said city. If any levee, or any system of drainage, projected, constructed, maintained, or kept in repair by said city, shall be beneficial to any levee, swamp land, or reclamation district, such district shall contribute its just quota to the payment of the expense of such

construction, maintenance, and repair. The amounts to be paid, respectively, by said city and said districts, shall be fixed by the agreement of the respective Boards of Trustees of said city and districts. In case said Boards of Trustees cannot agree, the District Court of said county must, on the petition of said city, appoint a Commission, of not more than three persons, who shall have power to determine:

Commission appointed; powers of, etc.

*First*—Whether the levee or drain is beneficial to such swamp land, reclamation, or levee district; and if so, then,

*Second*—The proportion of the cost of constructing and maintaining such levee or drain which such district ought to pay. The proportion so fixed shall be conclusive on said city and district, and each must thereafter contribute to the construction, maintenance, and repair of such levee or drain, in the proportion fixed by such Commission.

SEC. 5. An Act entitled "An Act to confer additional powers on the Board of Levee Commissioners of the City of Sacramento, approved February twelfth, eighteen hundred and seventy-eight, and all other Acts and parts of Acts inconsistent herewith, are hereby repealed; but such repeal shall not impair any valid claim created under such repealed Act or part of Act.

Repealed.

SEC. 6. This Act shall be in force from and after its passage.

CHAP. DLI.—*An Act to organize Levee District Number One, of Sacramento County, and to provide for its government.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All that portion of Sacramento County bounded as follows, viz.: Commencing at a point in the center of the American River on the quarter section line running north and south through section number ten, township eight north, range five east, and running thence south on quarter section lines through sections ten, fifteen, twenty-two, twenty-seven, and thirty-four, to the township line between townships seven and eight north, range five east; thence west on the said township line to the old embankment of the Freeport Railroad; thence along said embankment in a southwesterly direction to a point one hundred feet west of the present levee on the bank of the Sacramento River; thence northerly parallel with the outer base of said levee, as located and built by the City Levee Commissioners, and one hundred feet westerly therefrom to the southerly boundary of the City of Sacramento; thence easterly along said southern boundary to the southeast corner of said city; thence northerly along the east boundary of said city and in continuation thereof to the center of the American River; thence up the center of said river to the place of beginning, is hereby set

Levee district described.

apart and created into a levee district, to be known as "Levee District Number One of Sacramento County," and under such name it shall have power to contract, and sue and be sued, and to exercise all other authority by this Act conferred.

Officers of.

SEC. 2. The officers of said district shall consist of three Trustees, one Assessor, and one Tax Collector. The same person may hold the offices of Assessor and Collector.

Supervisors  
to cause  
election;  
how con-  
ducted.

SEC. 3. The Supervisors of Sacramento County shall, at the earliest time possible, cause an election to be held, at the several places where elections are usually held in said levee district, for the purpose of electing three Trustees, one Assessor, and one Tax Collector for said district. Notice of such election shall be given in a newspaper published in Sacramento City, for ten days before the time of holding the same, which notice must specify the time and places for holding the election, the offices to be filled, also the Inspector and Judges of Election in each precinct. Said election shall be held, as near as practicable, in accordance with the general election laws of the State of California, except registration shall not be required, and ordinary paper may be used for ballots. Returns, in accordance with the general election law, shall be made to the Board of Supervisors, and they shall canvass the returns and declare the result, and the County Clerk shall thereupon issue certificates to the persons declared to be elected. The expenses of all elections held under this Act shall be paid out of the General Fund of Sacramento County. All the elections, after the first herein provided for, shall be held at the same time and places within said district, and be conducted by the same Boards of Election as hold and conduct the general State and county elections; and returns thereof shall be made to the Board of Supervisors, and shall be by them canvassed, and the result declared, and certificates thereon issued by the County Clerk to the persons declared elected. At each general election for county officers, there shall be elected, for said district, one Director, one Assessor, and one Tax Collector, each of whom shall take his office on the first Monday of the succeeding March. Vacancies in the office of Assessor or Tax Collector shall be filled by a special election, to be held within one month after the occurring of such vacancy, at such time and places and under such regulations as the Board of Trustees may prescribe.

Trustees to  
file oath, and  
decide terms  
of office.

SEC. 4. The Trustees shall each, within ten days after the issuing of his certificate of election, take and file the usual oath of office. They shall, at their first meeting, decide by lot so that one shall go out of office on the first Monday in March next succeeding the next general election for State and county officers, another to go out on the first Monday of March after the next general election, and so on; and a successor shall be elected at each general election next preceding such time of expiration of term of office. At said first meeting they shall elect a Chairman and Clerk from their number, and a majority shall be a quorum for the transaction of business. Said Board is hereby constituted and declared to be the legal representatives and successors



of the Board of Supervisors of Sacramento County, and of the Board of Trustees of Reclamation District Two Hundred and Eighty-seven, in all matters pertaining to the reclamation and drainage of said Levee District Number One, and is hereby given and invested with all the powers and privileges heretofore devolving upon or invested in either or all of said Boards in said matters, except as herein otherwise provided; and each of said Boards is hereby directed, immediately after receiving notice of the organization of said Board of Trustees, to transfer to them all books, papers, property, maps, and effects of every name, nature, and description, in their possession or under their control, relating to said matters. Said Board of Trustees of said levee district are hereby given and directed, and authorized to take absolute charge, control, and possession of all levees, canals, and other works of every name, nature, and description, erected, or to be erected for the protection or drainage of the lands in said levee district, and are hereby authorized and directed to enlarge or repair any canal, levee, or work now existing for the protection or drainage of said district, and to construct any other levees, canals, or works of protection or drainage that they may deem necessary to protect or drain any part or all of said levee district; *provided, however*, that if the City of Sacramento shall adopt any system of levees and drainage which shall embrace any levee, drain, or canal, or other work of reclamation or drainage now constructed, or hereafter to be constructed within said levee district, then said city shall have full control of such levee, drain, canal, or other work, and of the construction, maintenance, and repair thereof. The said Board of Trustees may make such contracts with the City of Sacramento, whereby said city and said levee district may each be compelled to contribute its proper quota towards the construction, maintenance, and repair of such works of reclamation and drainage, as are mutually beneficial to said city and district. If the said city and district cannot agree as to whether any existing or projected work in said district is mutually beneficial to both, or cannot agree upon the proportion which each must contribute to such work, then the question in dispute must be determined in the manner provided in an Act entitled "An Act to confer upon the City of Sacramento the power to construct such canals as may be necessary to its drainage and to its permanent protection from overflow;" but nothing herein contained shall make said city liable to contribute to any work which it shall not have adopted as part of its system of levees or drainage. The said Board of Trustees of said levee district shall have power to cause all work by them ordered to be done either by contract or by day's labor, as they may deem most advantageous for said district. The said Board of Trustees shall have power to appoint, whenever necessary, a Superintendent of the levees, canals, and works of said district, and to define his duties and prescribe his pay. A Trustee may be elected such Superintendent.

Board to take possession of levees, etc.

Failure to agree.

SEC. 5. The Assessor and Tax Collector of said district shall each, before entering upon the duties of his office, take

Oaths and bonds to be filed.

the usual oath of office and file the same with the Recorder of Sacramento County, and shall each give such bonds as the Board of Trustees of said district shall direct, to be approved by them, and filed and recorded with the said Recorder; and shall have, after said oath and bonds have been filed, while in the discharge of his duties, all the powers and authorities given by law to the County Assessor and Tax Collector of Sacramento County.

Trustees to  
examining  
district.

SEC. 6. The Board of Trustees of said district shall, immediately after their organization, and at least annually thereafter, make a thorough examination of said district and its necessities for drains and levees, and other works of protection, and shall determine the amount of money required for all purposes in said district for the ensuing year, and for the purpose of paying any indebtedness remaining unpaid from the preceding year.

Duty of  
Assessor.

SEC. 7. It shall be the duty of the Assessor, between the first Monday in May and the first Monday in July, in each year, to assess all the real and personal property in said district, and to place the same in separate columns, in the same manner as required by law for the county assessment roll, and shall deliver the same, when completed, to the Board of Trustees; *provided*, that said Board of Trustees may, on the last Monday in April of each year, when it appears that no funds are required for the payment of preëxisting indebtedness, nor for the expenses of the ensuing year, dispense with the assessment for one year, in which case the Assessor and Tax Collector shall receive no compensation for such year.

Trustees to  
give notice.

SEC. 8. As soon as the Board of Trustees receive said district assessment roll, they shall at once give notice, by publication for ten days in one daily newspaper published in Sacramento City, that said roll has been completed and received by them, and that they will meet at some designated date and place as a Board of Equalization, and will sit from day to day until the equalization has been completed; not, however, to exceed in all five days, and will hear and determine all complaints as regards valuation and assessments thereon. The Board shall have power to determine all complaints and objections to valuation and assessment that may come before them, and shall have power to change, in any manner, any valuation or assessment. Their Secretary shall note all alterations in valuations or assessments, and within ten days after the session have the total values, as finally equalized by the Board, extended in proper columns and added up, and shall so report to the Board. The Board of Trustees are hereby authorized and required, as soon as said equalization is completed, to levy such rate per cent. of tax as to them may seem necessary, which rate must, however, in all cases, be sufficient to pay the quota which said district has agreed to pay, or which has been awarded against it as its proportion of the expense of constructing, maintaining, or repairing any levee, drain, canal, or other work of reclamation in which it is jointly interested with the City of Sacramento; and said rate, when levied, shall be properly

Power to  
determine  
complaints.

Tax to be  
levied.

extended by the Secretary of the Board upon said assessment roll, and the amounts so extended shall thereafter, until paid, be a lien on the real and personal property assessed.

SEC. 9. Within twenty days after the fixing of the rate per cent. of tax, or sooner, if the proper extensions have been made by the Secretary, the assessment roll shall be delivered by the said Board to the Tax Collector. The Tax Collector, immediately upon receiving said roll, shall give notice thereof by publishing the same in one daily newspaper in Sacramento City, that he will be at his office for the next thirty days to receive payment of said taxes, and that unless said taxes are paid within said thirty days they will become delinquent. Within fifteen days after the expiration of said thirty days, the Tax Collector shall make out a delinquent list and deliver the same to the District Attorney of Sacramento County for collection, who shall then bring actions, in the name of said levee district, against the persons and property delinquent, which actions shall be in all respects prosecuted and controlled in the same manner as are actions brought to collect taxes levied in and for the City of Sacramento. The taxes levied and collected by virtue of this Act shall be called the "Levee District Number One Tax," and shall be paid into the county treasury of Sacramento County, and placed to the credit of said district, and the moneys so paid into said treasury shall be known as the "Levee District Number One Fund," and shall be paid out only in the manner hereinafter provided. The Tax Collector shall make his settlement with the Secretary of the Board of Trustees in the same manner as provided in the Political Code for the settlement of County Tax Collector with County Auditor.

Concerning  
payment of  
taxes.

SEC. 10. All bills and accounts against said levee district shall be presented to the Board of Trustees, and be by them approved, and certified to be correct by their Chairman and Clerk, before payment can be made, and the County Auditor is required to draw his warrant on the County Treasurer for the amount of any account so approved and certified in the same manner as if ordered by the Board of Supervisors. Whenever the City of Sacramento shall have done any work for which said district is liable to contribute, it shall present to the Board of Trustees of said district a verified statement, showing in general terms the work done, and specifying the cost thereof, and at the same time present to said Trustees a bill against said district for its proportion of the cost of such work. Said Trustees must then allow said bill, and its Clerk and Chairman must certify the same as correct to the County Auditor, who must draw his warrant on the County Treasurer for the amount thereof, in favor of said city, and the County Treasurer must pay said warrant in preference to all other warrants against said Levee District Number One Fund. Each warrant must be dated and numbered, and must specify when ordered, and for what purpose.

Bills against  
district;  
how paid.

SEC. 11. The District Attorney of Sacramento County is hereby required to give the Board of Trustees and the

District  
Attorney to  
advise.

Assessor and Tax Collector any and all legal advice and assistance in his power, whenever requested by them, and generally to act as their counsel, all without compensation, except that in actions to collect delinquent taxes he shall be compensated in the same manner as he is now compensated for bringing like actions to collect city taxes.

Per diem of  
officers.

SEC. 12. The Trustees shall receive three dollars per day for each day actually and necessarily employed upon the duties of their office, not to exceed five days in any one calendar month, except when making the examination of said district required in section six of this Act, and except when sitting as a Board of Equalization. The Assessor shall receive three dollars per day for each day actually and necessarily employed, not to exceed three hundred dollars. The Tax Collector shall receive two hundred dollars per year salary, payable in such manner as the Board of Trustees may direct. All accounts of every nature must be verified by the party presenting the same, and must receive the votes of at least two Trustees before the same can be ordered paid.

Meetings  
held.

SEC. 13. The Board of Trustees shall hold regular meetings at least once in each month, and other meetings, as they may provide by rule or resolution. All their meetings shall be open to the public. They shall procure some suitable office, which shall also be the office of the Assessor and Tax Collector. They shall, each year, on the second Monday in November, present to and file with the County Clerk of Sacramento County a full and detailed report of all their doings of every kind for the previous year, and their plans for the ensuing year, which shall be signed and verified by each member of the Board.

Trustees to  
borrow  
money.

SEC. 14. For the purpose of enabling the Board of Trustees to immediately commence necessary work and make necessary repairs, they are hereby authorized to borrow money and to issue warrants in payment thereof to an amount not to exceed — dollars, prior to the levying and collection of the tax herein provided for.

Board to  
adopt plan.

SEC. 15. If the Board of Trustees shall adopt any plan or scheme, or project any work of reclamation, drainage, or protection which, in their judgment, is more beneficial to one part of the district than to another, they may report such plan to the Board of Supervisors of said county, in the manner provided by section three thousand four hundred and fifty-five of the Political Code. All subsequent proceedings for the purpose of assessing and collecting the moneys necessary to complete the work specified in said report shall be prosecuted under sections three thousand four hundred and fifty-six, three thousand four hundred and fifty-nine, three thousand four hundred and sixty, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-three, three thousand four hundred and sixty-five, and three thousand four hundred and sixty-six, of the Political Code. The moneys assessed and collected under this section shall be known as "Levee District Number One" Special Assessment Fund Number —, and shall be devoted, exclusively, to pay-

Proceedings  
prosecuted.

ing for the work embraced in said report, and no part of said work shall be paid for out of any other fund, and each warrant drawn for such work shall specify the fund out of which it is payable, and the number of the special assessment. This section shall not apply to any work to which said district and the City of Sacramento are jointly required to contribute.

SEC. 16. This Act shall be in force from and after its passage.

CHAP. DLII.—*An Act to provide for the maintenance and construction of roads and highways in the County of Fresno.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All roads in the County of Fresno are hereby declared to be public highways, which are used as such, and which have been so declared as such by the Board of Supervisors of said county. Highways declared.

SEC. 2. Articles Six and Seven of the Political Code, relative to laying out, altering, and discontinuing roads, erection and maintenance of bridges, is hereby made applicable to Fresno County. Articles made applicable.

SEC. 3. For all the purposes of this Act, the road districts as now established shall be the road districts of said county within the meaning of this law. Said districts may be changed or new ones created by the Board of Supervisors of said county, whenever they may deem it necessary. Districts changed.

SEC. 4. The said Board of Supervisors are hereby empowered and authorized to levy a road poll tax on all able-bodied male persons between the ages of twenty-one and fifty years, residents of said county, which persons shall pay a road poll tax of two dollars per annum, for the use of the Road Fund of the county; and provided, the same be paid between the first Monday in March and the first Monday of August; but if such poll tax is not paid prior to the first Monday in August it shall be three dollars per annum. Supervisors to levy road poll tax.

SEC. 5. The Board of Supervisors, at their last regular meeting in each year succeeding, shall levy a road poll tax, which shall be due and payable as provided for in section four in this Act; and the said Board of Supervisors may, in their discretion, levy a property tax for road purposes upon all taxable property in said County of Fresno, not to exceed more than thirty cents upon each one hundred dollars of the valuation of the taxable property of the county, to be levied and collected at the same time, and in the same manner, and by the same officers, as other property taxes, except as hereinafter provided. Taxes to be levied.

SEC. 6. The said Board of Supervisors shall cause to be issued proper blank road tax receipts, to be printed in a uniform manner, which shall be numbered consecutively, and Concerning blank receipts.

upon issuance shall be signed by the Chairman and the Clerk of said Board, and shall deliver the said receipts from time to time to the Collector, taking his receipt therefor, and the said Clerk shall keep an account of the transactions of the Board, open to the inspection of the public.

Penalty  
for bogus  
receipts.

SEC. 7. Any person who shall willfully issue, pass, or sell, or transfer, or who shall forge, or fraudulently issue any receipt or receipts for said road poll tax, contrary to the spirit of this Act, shall be guilty of a felony, and punished as in other cases of forgery.

Supervisors  
to advertise  
for bids.

SEC. 8. It shall be the duty of the Board of Supervisors of said county, at their regular meeting in August, A. D. eighteen hundred and seventy-eight, and on each regular meeting in the month of August in the succeeding years, to advertise for bids for the keeping of the roads of the county in good and efficient repair for the period of two or three years; *provided*, there may be any contracts to let, as the Board may determine from time of awarding the contracts. Each bid must be accompanied by a bond, with two or more sureties, for the faithful performance of the contract, subject to the approval of said Board of Supervisors. Such advertisements shall be inserted in some paper published in Fresno County for the period of thirty days. Such advertisements shall clearly designate the roads for which contracts are to be given. At the next regular meeting of the said Board, in November following, the Board shall proceed to open the bids or proposals, and shall award the contracts to the lowest responsible bidder; *provided*, that the Board shall have the right to reject any and all bids or proposals, if, in their judgment, they are exorbitant; but in any road district where no bids have been made, or where any and all bids have been rejected, the Board shall appoint some suitable person to do the requisite work, or supervise its performance, at a salary of three dollars per day for such time as he is actually engaged; and the Board may employ any assistance as, in their judgment, may be necessary; *provided*, that the contracts and work herein authorized shall not exceed, in the aggregate, the amount of the money in the Road Fund herein provided for, in any one year.

Contracts;  
how award-  
ed.

Collector to  
give bond;  
compensa-  
tion of.

SEC. 9. The Assessor of Fresno County is hereby constituted the Road Poll Tax Collector of said county. He shall receive, as compensation for such services, fifteen per cent. on the amount collected. He shall, on entering upon the discharge of his duties as Road Poll Tax Collector, take an oath of office, and execute a bond for the faithful performance of his duties, in a sum of money fixed by the Board of Supervisors, which bond shall be approved by the County Judge, and be filed and recorded as other official bonds. He shall, on the first Monday of each month, make a settlement with the County Auditor, and must pay into the county treasury all moneys collected by him during the preceding month, less the compensation allowed him for making such collection, taking a receipt therefor.

SEC. 10. It shall be the duty of the Collector, upon entering into office, to proceed to collect the road poll tax from all

persons liable to pay the same that he may find in Fresno County, and no person shall be deemed or held to have paid said tax, unless he shall be able to exhibit a receipt therefor, or testify upon oath, or affirmation, that he has paid the same. And for all the purposes of this Act, the Collector is hereby authorized to administer oaths or affirmations to any person who may be liable, refusing upon demand for himself or his agent to pay his road poll tax; it shall be the duty of the Collector to enforce the collection of the same, by seizing so much of any species of personal property, debts, or choses in action, whatsoever of the delinquent, and if none such can be found, then by levying upon and seizing so much of the real property of the delinquent as will be sufficient to pay such taxes, and costs of seizure and sale; and he may sell the personal property, at any time and place, upon giving verbal notice of one hour previous to such sale; and he shall and may sell the realty in the manner prescribed for Sheriff sales under executions. Any person indebted to another liable to pay said tax shall be liable to pay the same for such other person, after service upon him by the Collector of a written notice stating the name or names of the person or persons liable and owing such tax, and the party paying is hereby authorized to deduct the amount therefrom such indebtedness. The Collector, after deducting the tax for which property was sold, and such fees and costs as would accrue to Sheriffs for like services, shall return the surplus to the owner of such property; a delivery of the possession of personal property by the Collector to any purchaser, shall be a sufficient title to the purchaser. The Collector shall execute a bill of sale to purchasers. The Collector shall have a right to demand of any employer the road poll tax of any person employed by him, and if such employer refuses or neglects to pay the same, the said Collector, in his own name, may proceed to collect the amount from such employer by suit; and if recorded, the Collector shall deliver to the employer the road poll tax receipt of the party or parties whose taxes are thereby paid, and in all suits under this Act the Collector shall be a competent witness.

Duties of Collector in collecting taxes.

Person indebted to another to pay tax.

SEC. 11. All moneys collected under the provisions of this Act shall be paid into the county treasury of the County of Fresno, the County Treasurer receipting therefor to the Collector, and the same shall be known as the County Road Fund.

Moneys collected.

SEC. 12. The Supervisors of Fresno County shall be ex officio Road Commissioners in the several districts in which they are elected, whose duty it shall be to take general charge and supervision of all roads in said district, and while in the discharge of said duties mentioned in this section shall receive in compensation for such services the sum of four dollars per day while actually engaged, and mileage not to exceed twenty cents per mile, one way only.

Supervisors to be ex officio Commissioners.

SEC. 13. If any contractor should fail to comply with the terms of such contract, upon complaint being made by any taxpayer of the district to the Commissioner, it shall be the

Duty of Commissioner when contractor fails.

duty of said Commissioner to examine the locality so complained of forthwith, and if he should deem the complaint well founded, to give notice to the party or parties so contracting to comply with the contract; and if he or they refuse to comply with the terms of the contract within ten days after service of notice, it shall be the duty of the Commissioner to have the said road repaired according to the terms specified in the contract; and he shall report the cost of such improvement to the Board of Supervisors at their first regular meeting thereafter, and they shall draw their warrant for the amount so expended from whatever amount that may be due said contractor. If the amount due said contractor should not be sufficient, the amount may be recovered by the Board of Supervisors from such person or persons so neglecting or refusing, or from their sureties, as other debts of equal amount are now recoverable by law.

Commis-  
sioner to  
certify to  
Supervisors.

SEC. 14. It shall be the duty of the Commissioner to inspect the roads in his district once in every three months; and if he shall deem the work done sufficient, and according to contract, he shall then, if required by the contractor or contractors, certify the fact to the Board of Supervisors, together with the amount due for said work; and if the Board of Supervisors be satisfied that the terms of the contract have been fully complied with, the demand shall be audited and a warrant drawn upon the County Road Fund of the county in favor of said contractors, to be paid in the manner prescribed by law for the payment of other demands against the county.

Tax receipt  
to be given  
for work  
done.

SEC. 15. Any person who may elect to work two days upon the public roads, under the direction of the Road Commissioner, shall be entitled to a road tax receipt. The Tax Collector shall furnish the contractors with a list of persons in his district so choosing to work, and shall notify such person or persons to appear and work upon the public roads at such time and place as the contractor may direct; and if the contractor cannot employ such person or persons, they shall be allowed to work upon any road which the Road Commissioner of the district may direct; and upon such person performing two days' labor to the satisfaction of the contractor he shall give to such person an order on the Collector, who shall thereupon issue a tax receipt; and at each regular meeting of the Board of Supervisors shall report the number of receipts issued on the order of the contractor, and the Board of Supervisors shall charge the amount of such receipts to the contractors, and the Collector shall be entitled to the same fee as for collecting other road taxes, payable out of the Road Fund; *provided*, no contractor shall be required to receive more than twenty-five per cent. of the amount of his contract in labor.

Labor  
limited.

Office not  
vacant.

SEC. 16. Nothing in this Act shall be so construed as to render vacant any office of Roadmaster or Overseer until the award shall have been made for the care of said roads, as provided for in this Act.

SEC. 17. All Acts and parts of Acts in conflict with this Act are hereby repealed.



SEC. 18. This Act shall take effect July thirtieth, eighteen hundred and seventy-eight.

CHAP. DLIII.—*An Act in relation to the county officers of Monterey County, their fees and salaries.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The County Treasurer of the County of Monterey shall be ex officio Tax Collector of said county, and shall perform the duties required by law of County Tax Collector, save and except the collecting of licenses; and the Coroner of Monterey County shall be ex officio Public Administrator of said county, and shall perform the duties required by law of Public Administrators.

Tax Collector and Public Administrator, who.

SEC. 2. The county officers of the County of Monterey in this section named shall severally receive as full compensation for all official services (except as hereinafter provided) the salaries by this section provided, to wit: The County Judge, an annual salary of eighteen hundred dollars; the County Clerk, an annual salary of twenty-seven hundred dollars; the County Recorder of said county, an annual salary of twenty hundred dollars; the Sheriff, an annual salary of five thousand dollars; the County Treasurer, as County Treasurer and ex officio County Tax Collector, an annual salary of twenty-seven hundred and fifty dollars; the District Attorney, an annual salary of one thousand eight hundred dollars; the Superintendent of Schools, an annual salary of eight hundred dollars; the County Auditor, an annual salary of one thousand dollars.

Salaries of county officers.

SEC. 3. The County Surveyor of said county shall receive, as compensation for the performance of his duties as such County Surveyor, fees as follows, to wit:

FEEES FOR COUNTY SURVEYOR.

For the first mile actually run with compass and chain, in wood or brush or salt marsh and tide land, four dollars; for each succeeding mile, two dollars; for each mile run with compass alone, one dollar and fifty cents; for the first mile actually run with compass and chain in open land, three dollars; for each succeeding mile, one dollar and fifty cents; for recording a survey, seventy-five cents; for calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), ten cents for each course; for traveling to the place of survey, for each mile, in going only, twenty-five cents; and if he shall be required and duly notified, or otherwise, to make other surveys while in the discharge of his official duty, while in the field, he shall be entitled to mileage only from the place last surveyed by him;

Fees of County Surveyor.

for ascertaining the location of every town lot in an old survey, measuring and marking the same, one dollar; for copies and certificates, per folio, fifteen cents; for erecting a monument at the corner of any survey, when required, fifty cents; for erecting a monument when running a line at a variation or offset, twenty-five cents; for copy of plat of any survey and certificate required by any person, or to be transmitted to the Surveyor-General, one dollar, to be paid by the party requiring the survey. Expenses of assistants shall be an additional charge, to be agreed upon between the parties; or, in cases of surveys ordered by the Court, or Board of Supervisors, such reasonable compensation as shall be by them allowed.

Expenses of assistants.

Fees of Coroner and Public Administrator.

SEC. 4. The Coroner and ex officio Public Administrator of said county shall receive, as compensation for his services, the fees as in this section provided. His fees as Coroner shall be: For summoning a jury of inquest, two dollars; for swearing a jury, fifty cents; for issuing a subpoena for one or more witnesses, fifty cents; for issuing a warrant of arrest, fifty cents; for each mile necessarily traveled, in going to the place of the dead body, twenty-five cents—which fees, in all inquests, shall be paid out of the effects of the deceased, if any; if not, from the county treasury; for taking down testimony, per folio, fifteen cents; when acting as Sheriff he shall receive the same fees as by that officer is collected for like services. His fees as Public Administrator shall be four per cent. upon the amount of the estate, administered upon by him, which percentage shall be the only compensation allowed for his services.

Salaries and fees of County Assessor.

SEC. 5. The County Assessor of said county shall receive as compensation for his services an annual salary of twenty-five hundred dollars. He shall also receive, for his services in collecting the taxes on personal property, one per cent. on the amount of all such tax belonging to the county and collected by him, and such percentage on the amount of said tax belonging to the State and collected by him as provided by law. He shall receive, for his services in collecting poll taxes, ten per cent. on the amount of all such taxes collected by him; which said salary and percentages, as aforesaid, shall be full compensation to said Assessor, and all Deputy Assessors and assistants employed by him.

Sheriff to collect license fees for other duties.

SEC. 6. The Sheriff of the County of Monterey shall be the Collector of all business licenses, for which he shall receive for each business license so collected, one dollar, one-half of which he shall pay to the County Auditor; and shall, in addition to the salary provided by section two of this Act, receive for his own use the mileage paid by the State for the transportation of convicts and insane persons, and all rewards paid to him for the apprehension or arrest of criminals, and fifty cents on each business license collected by him. And in case he renders other services outside of the county, the Board of Supervisors may, in their discretion, allow him the amount of his actual expenses.

Fees of County Treasurer.

SEC. 7. The County Treasurer of said county shall receive, in addition to the salary prescribed by section two of this

Act, the mileage paid by the State to County Treasurers in making settlements with the State treasury.

SEC. 8. The District Attorney of said county shall receive, in addition to the salary provided in section two of this Act, all fees allowed by law, by the Act prohibiting gambling, lotteries, and like schemes, which shall be payable out of the fines imposed, which fees shall in no event be paid by the county, nor become a charge against the county. For the collection of delinquent taxes, ten per cent. upon the amount due for taxes if paid before judgment, and fifteen per cent. if paid after judgment, which amount shall be added to the taxes and be paid by the party charged. In no event shall said percentage for the collection of taxes be paid by the county, nor become a county charge.

Fees of  
District  
Attorney.

SEC. 9. The County Auditor of said county shall receive, in addition to the salary prescribed by section two of this Act, fifty cents, collected by the Tax Collector or Sheriff, on each business license.

Fees of  
County  
Auditor.

SEC. 10. The salaries provided by sections two and five of this Act shall be paid monthly, and the County Auditor shall, at the end of each month, draw his warrant on the County Treasurer for one-twelfth of the respective salaries named, in favor of the respective officers named in said sections, and the County Treasurer shall pay the same out of the Current Expense Fund.

Salaries;  
how paid.

SEC. 11. The fees, percentages, and charges now established by law for the performance of any act or duty by the County Treasurer, as ex officio County Tax Collector of said county (except as otherwise in this Act provided), for all services rendered, except services rendered for or now payable by said county, shall continue and remain the established fees, percentages, and charges for said act or duty; and the law now in force, so far as the same now fix and establish such percentage, fees, and charges, as in this section limited, are hereby continued in force, and the said officer is hereby required to collect from the persons charged with the payment thereof. Said fees, percentages, and charges for such act or duty performed, or to be performed, shall be paid into the county treasury of said county.

Fees of  
Treasurer as  
Collector.

SEC. 12. All fees to be collected by the Tax Collector, as provided in section eleven of this Act, and also all fees collected by the County Clerk, County Recorder, and Sheriff, as is hereinafter provided for by sections fifteen, sixteen, and seventeen of this Act, except those chargeable against the county, shall be payable and collectable in advance, in gold and silver coin, by said officers, and each of said officers shall keep a fee book in his office, in which shall be entered all fees collected by him or his deputies, and on the first Monday of each month pay into the county treasury the said fees collected in accordance with said sections eleven, fifteen, sixteen, and seventeen. Each of said officers shall, at the same time, make an itemized and verified statement, in duplicate, showing the amount of services performed by such officer for which fees are chargeable, and the amount of money col-

Fees, how  
paid; offi-  
cers to keep  
book.

lected, and file one of said duplicate statements with the County Auditor, and the other with the Clerk of the Board of Supervisors of said county.

Compensation in full.

SEC. 13. The salaries and compensations in this Act provided shall be in full for all services required by any law of any officer in this Act named, both ex officio and otherwise.

SEC. 14. No fees or compensation, collectable from the county, shall be paid to the District Attorney (except his salary), Surveyor, or Coroner, unless said officers shall severally file with the Board of Supervisors an itemized and verified statement of services rendered for which the compensation is claimed.

Clerk of District Court; fees of.

SEC. 15. The Clerk of the District Court shall receive for entering each suit on the Clerk's Register of Actions, and for making the necessary entries therein during the progress of the suit and of the trial, and subsequent proceedings, for the first folio, fifty cents; for each subsequent folio, twenty-five cents; for issuing every writ or process under seal, fifty cents, except the writ of habeas corpus; for issuing each subpoena for one or more witnesses, fifty cents; for filing each paper, ten cents; for entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, fifty cents; for entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, fifty cents; for calling and swearing every jury on *voire dire*, fifty cents; for calling and swearing every jury to try cause, fifty cents; for receiving and entering each verdict of a jury, fifty cents; for entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty-five cents; for making up and filing judgment roll, twenty-five cents; for each entry of judgment on judgment docket, twenty-five cents; for entering satisfaction or credit on judgment docket, twenty-five cents; for administering every oath or affirmation, fifteen cents; for certifying the same, twenty-five cents; for copy of any proceeding, record, or paper, per folio, fifteen cents; for every certificate under seal, fifty cents; for issuing every commission to take testimony, one dollar; for writing down testimony for witnesses during trial, for each folio (to be paid by the party requiring the same), fifteen cents; for issuing every execution or other final process under seal, fifty cents; for copy of every decree or order of sale of mortgaged property, for each folio, fifteen cents; for receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents; for taking and approving each undertaking or bond, fifty cents; for taking justification thereto, fifty cents; for indexing every suit in the general index of the Court, as required by law, for each name, ten cents; for filing and entering papers on transfer of cases from other Courts, one dollar and fifty cents; for transmission of files or transfer of cases to other Courts, including certificate of order of transfer, one dollar and fifty cents; for searching records or files of each year, except for suitors or their attorneys, twenty-five cents.

FEES OF CLERK OF COUNTY COURT.

For filing all papers on appeal from Justices' Courts, for each case, one dollar and fifty cents; for all other services, the same fees as are allowed the Clerk of the District Court for like services.

Fees of  
Clerk of  
County  
Court.

FEES OF CLERK OF PROBATE COURT.

For issuing letters testamentary, or of administration, or of guardianship, fifty cents; for writing and posting each notice required, twenty-five cents; for each notice for publication, in addition to the cost of publication, fifty cents; for recording wills or other papers required by law to be recorded, for each folio, fifteen cents; for all other services, the same fees as are allowed the Clerk of the District Court for like services; *provided*, that if upon the filing of the appraisement of any estate, it appear that the whole estate is not of the value of one thousand dollars, no further Clerk's fees shall be charged.

Fees of  
Clerk of  
Probate  
Court.

FEES OF COUNTY CLERK.

For issuing each marriage license, two dollars; for recording the testimony and commitment of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, per folio, fifteen cents; for all services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

Fees of  
County  
Clerk.

FEES OF COUNTY RECORDER.

SEC. 16. For recording every instrument, paper, or notice, for each folio, twenty cents; for indexing every instrument, paper, or notice, twenty cents for each name indexed; for filing every instrument for record, and making the necessary entries thereon, twenty cents; for each certificate under seal, fifty cents; for every entry of discharge of mortgage, or other instrument on margin of record, or for entering credit thereon, or witnessing same, and indexing same, fifty cents; for searching records or files in his office for each year when required, fifty cents; for abstract of title for each conveyance or incumbrance certified, twenty cents; for searching records or files in his office for each year when required, twenty-five cents; for recording every plat or map, for each course, ten cents; for figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars; for recording transcript, and for all other services in estray cases, one dollar; for recording each mark or brand, fifty cents; for administering oath or affirmation, twenty-five cents; for certifying same, twenty-five cents; for filing, indexing, and keeping each paper not by law required to be recorded, fifty cents;

Fees of  
County  
Recorder.

for all other services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

## FEES OF SHERIFF.

Fees of  
Sheriff.

SEC. 17. For serving a summons and complaint, or any other process by which action or proceeding is commenced, for each defendant, one dollar; for taking bond or undertaking in any case in which he is authorized to take the same, fifty cents; for copy of any writ, process, or other paper, when demanded or required by law, for each folio, fifteen cents; for serving every notice, rule, or order, fifty cents; for serving a subpoena, for each witness summoned, twenty-five cents; for serving an attachment on property, or levying an execution, or executing an order of arrest, or order for delivery of personal property, one dollar and fifty cents; but no traveling fees shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons. He shall be allowed such further compensation for his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, as the Court shall order; *provided*, no more than three dollars per diem shall be allowed to a keeper; for serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, one dollar and fifty cents; also three dollars per day while such ship, boat, or vessel is in the actual custody of the Sheriff, and such further necessary expenses incurred in serving the process, and resulting from such custody, as are supported by the oath of the officer making such service, and allowed by the Court; for selling any boat, vessel, or tackle, apparel or furniture thereof, so attached, or other goods attached, and for advertising such sale, the same fees as for sale on execution; for advertising property for sale on execution, or under any judgment, or order of sale, exclusive of the cost of publication, one dollar; for commissions for receiving and paying over money on execution, or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, two per cent.; on all sums above that amount, one per cent.; for commissions for receiving and paying over money on execution without levy, or when the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one-half per cent., and one per cent. on all over that sum. The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution in the same manner as the sum therein directed to be made; for drawing and executing a Sheriff's deed, inclusive of acknowledgment, four dollars, to be paid by the grantee; for serving a writ of possession, or restitution, or putting a person entitled into possession of premises, and

removing the occupant, for the first plaintiff or defendant so removed, five dollars, and for each additional plaintiff or defendant, three dollars, and such further expenses as the Court, in its discretion, may allow; for holding each inquest or trial of right of property, to include all service in the matter except mileage, three dollars; for summoning a trial jury, in any civil case, three dollars, for each additional juror twenty cents; for traveling, to be computed in all cases from the Court-house, to serve any summons or complaint, or any other process by which action or proceeding is commenced, notice, rule, order, subpoena, venire, attachment on property, or to levy an execution, or order for delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, for each mile necessarily traveled, in going only, twenty-five cents; *provided*, that if any two or more papers be required to be served in the same suit or proceeding at the same time and in the same direction, one mileage only shall be charged; *and provided also*, in serving a subpoena or venire, when two or more jurors or witnesses live in the same direction, traveling fees shall be charged only for the most distant. For all services in Justices' Courts, the same fees as are allowed to Constables; for delivering a prisoner at the State Prison, fifty cents per mile one way, for the distance established by law from the county seat of his county to the Prison, and for every additional prisoner taken at the same time, twenty-five cents per mile; for delivering an insane person at the Asylum, forty cents per mile one way, for the distance established by law from the county seat of his county to the Asylum, and for each additional insane person taken at the same time, twenty cents per mile.

Fees of Sheriff.

SEC. 18. The Board of Supervisors of said county shall furnish all county officers in this Act named with an office in the Court-house building of said county, and no county officer shall be furnished or provided with an office elsewhere at the expense of the county. The Board of Supervisors shall also furnish to the various officers in this Act named the necessary stationery, fuel, and light for their respective offices, and shall, from time to time, examine the books, incomes, and business of said officers.

Supervisors to furnish offices in Court-house.

SEC. 19. If any officer in this Act named shall retain or convert to his own use any of the moneys required by this Act to be paid into the county treasury of said county, such officer shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, and by imprisonment not exceeding six months; and upon such conviction the office of the officer convicted shall be vacant; and the Board of Supervisors of said county shall fill such vacancy as in case of other vacancies. Such conviction shall not prevent recovery against said officer in civil action.

Penalty for converting money to own use.

SEC. 20. All Acts or parts of Acts in conflict with the foregoing are repealed when this Act or parts hereof take effect.

Repealed.

SEC. 21. All of section two of this Act, in reference to

Act; when  
in force.

the Auditor's salary, and all of section nine of this Act, shall be in force from and after the passage of this Act. That part of sections two and ten in reference to the salary of the County Judge, shall be in force from and after December thirty-first, eighteen hundred and seventy-nine, and all the other sections of this Act shall be in force from and after the first Monday of March, A. D. eighteen hundred and eighty.

CHAP. DLIV.—*An Act supplemental to an Act entitled an Act to re-incorporate the City of Santa Cruz, approved March eleventh, eighteen hundred and seventy-six.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Improve-  
ments; how  
made.

SECTION 1. Public improvements may be made in the City of Santa Cruz by opening, extending, widening, draining, sewerage, graveling, grading, macadamizing, or paving streets, alleys, or public squares, and private land may be acquired by said city for such public use as is provided by this Act.

Petition  
required.

SEC. 2. All work enumerated in section one, except sewerage, shall require a petition representing not less than two-thirds of the foot frontage upon the street, alley, or public square proposed to be improved.

Mayor and  
Council to  
cause survey  
and hear  
objections.

SEC. 3. When the Mayor and Common Council shall deem it necessary for the convenience of the public to make any of the improvements specified in the first section of this Act, they must cause an accurate survey, map, profile, and description of such proposed improvement, and of the private land or street frontage necessary to be taken for such use, to be made and filed in the office of the City Clerk; they must also determine what land, fronting on any existing or proposed street, is benefited by such proposed improvement, and they may divide the benefits to be derived from such improvements into several classes. They must, by ordinance, declare their intention to make such improvement, and set a day, not less than fifteen days after the date of the passage of such ordinance, for the further consideration of such proposed improvements, and the hearing of all objections thereto, or to the taking of private land or street frontage therefor.

Ordinance to  
describe im-  
provements  
to be filed  
and served.

SEC. 4. Such ordinance must also contain a particular description of the proposed improvement, and of the private land or street frontage necessary to be taken for public use, if any, and the names of the owners of such land or street frontage; also the names of all owners of land and amount of frontage owned by each, declared to be benefited by such improvement, and the class of benefits in which each particular parcel of land or street frontage is classed. A copy of



such ordinance must be published, by publication in a newspaper published in said city, once a week for two weeks, or by posting for two weeks on the front of the building in which the Mayor and Common Council meet, and the front of the post-office in said city, and at such other place or places as may be provided by such ordinance. A copy of such ordinance must also be filed in the office of the County Recorder of Santa Cruz County, and must be served, in the same manner as a summons in a civil action is served, on all persons whose lands are deemed to be benefited by such improvement, or whose land or street frontage is proposed to be taken. Before the Mayor and Common Council proceed with the further consideration of such improvement, they must require proof to be made of the publishing or posting of such ordinance, and that a copy of such ordinance has been served on all persons required to be served therewith, at least fifteen days prior to the day on which such further consideration may be had. On the day set for such further consideration, or on the day to which the same may be postponed or adjourned, any person interested in said proposed improvement may make his written objection to the making of such improvement, or to the benefits assessed on his land for such improvement; and any person who shall not, within fifteen days after service on him of a copy of such ordinance, file with the City Clerk his written objection to such improvement, or to the proposed taking of private land or street frontage, shall be deemed to consent to the making of such improvement, and to the taking of private land or street frontage for public use, and to the benefits proposed to be assessed against his land.

Objections to improvements.

SEC. 5. After consideration of the objections which may be presented against such public improvement, the Mayor and Common Council may order the same to be made. If such improvement consists in the draining, sewerage, grading, paving, planking, graveling, or macadamizing of any street, alley, or public square, it must be done by contract, to be awarded to the lowest bidder, after at least twenty days' previous notice by publication, in the same manner as is provided for the publication of ordinances in section three of this Act, of a readiness to receive proposals therefor, to the lowest bidder who will give good and sufficient security for the completion of any contract which he may make respecting the same; but no bid must be accepted which the Mayor and Common Council may deem too high. If the making of any improvement authorized by this Act shall necessitate the taking of any private land or street frontage, for public use, the Mayor and Common Council must appoint three appraisers, who must be disinterested citizens of the county, to appraise the damages which each owner is entitled to receive for the taking of such land or street frontage. The appraisers, after having been sworn to discharge their duties faithfully, must appraise the damages which each owner whose land or street frontage is proposed to be taken is entitled to receive, and must make a report of their appraisement to the Mayor and Common Council within

Improvements by contract.

Appraisers appointed; duties of.

thirty days after their appointment; and in case of their failure so to do, the Mayor and Common Council may annul the appointment of such appraisers and may appoint others.

Report of  
appraisers.

SEC. 6. The report of the appraisers must contain an accurate description of each parcel of land, and of each street frontage proposed to be taken for public use, and the amount which each owner of such property is entitled to receive therefor.

Notice of  
acceptance;  
what to  
contain.

SEC. 7. If bids for improvements or reports of appraisers of damages are accepted by the Mayor and Common Council, they shall cause a written or printed notice of such acceptance to be given to each owner whose land or street frontage may be proposed to be taken for any public improvement, and to all owners of land which has been declared to be benefited by any improvement authorized to be made by the provisions of this Act; such notice must state substantially the amount of the bid and the work proposed to be performed, or the material to be furnished, the amount of the damages appraised to each person, and a description of each parcel of property sought to be taken for public use, and such notice must be served, and proof of such service be made, in the same manner as is provided by law for service and proof of service of summons in civil cases.

Persons not  
filing objections  
deemed  
to consent.

SEC. 8. Any person who shall not, within twenty days after the service upon him of the notice of acceptance of bids for the making of improvements or of reports of appraisers, as in this Act provided, file with the City Clerk his objections to the making of such improvements and to such bids or reports, shall be deemed to consent to the acceptance of such bids or awards, to the benefits proposed to be assessed against his land, and to the damages awarded to him for the taking of his land or street frontage, and unless within twenty days after such service, persons whose property shall in the aggregate have been declared to be benefited by such improvement to the extent of more than one-half of the total declared benefits, shall so file with the City Clerk their objections to the making of such improvement, the Mayor and Common Council may cause the amount of appraised damage, or ascertained expense of any improvement, to be assessed by the City Assessor against the property declared to be benefited by such improvement.

Land; how  
assessed.

SEC. 9. Each parcel of land declared to be benefited shall be assessed according to the number of feet of its frontage on any existing or proposed street; and if there be but one class of benefits, each part of such frontage shall be assessed alike; but if there be more than one class of benefits, the land in each class, subsequent to the first class, shall be assessed at four-fifths of the rate assessed to the class next preceding. Such assessment shall constitute a lien on the property assessed, dating from the date of the filing in the office of the County Recorder of Santa Cruz County of a copy of the ordinance declaring it to be the intention of the Mayor and Common Council to make such improvement. All assessment shall become due and payable to the City Collector sixty days after the assessment has been made, and if not

then paid, five per cent. must be added to the amount of delinquent assessment, and collection must be enforced in the same manner as is or may be provided by law or ordinance for the collection of delinquent city taxes.

SEC. 10. In case the property of any person to whom damages have been awarded for the taking of his land or street frontage shall be assessed with benefits for the same improvement, he may apply such damages, so far as adequate, to the payment of such assessment, and shall be credited therefor by the Tax Collector in the same manner as if such assessment or portion thereof had been paid in money.

Persons receiving damages assessed with benefits.

SEC. 11. Any person who is dissatisfied with the amount of the award made to him for the taking of his land or street frontage, may, within twenty days after notice of such award has been served upon him, commence an action in the District Court in and for the County of Santa Cruz, against the City of Santa Cruz, for such damages, and serve the summons in such action upon the Mayor; and unless such action is commenced, and the summons therein served within the time specified in this section, the award of damages shall become final. In case action is commenced as herein provided, all proceedings relative to the improvement which is the subject matter of the action shall be suspended until the final determination of such action; and the Mayor and Common Council may, upon their own motion, or must, if petitioned to that effect by persons whose property shall in the aggregate have been declared to be benefited by such improvement to the extent of more than one-half of the total declared benefits at any time before final judgment in such action, rescind the order for the taking of the private land or street frontage in question, and in such case the action shall be dismissed.

Persons dissatisfied to commence suit.

SEC. 12. If the plaintiff in such action shall fail to recover a greater amount of damages than was awarded to him by the appraisers, or than that agreed to be allowed by the Mayor and Common Council, all the costs in the case shall be taxed against him; but in case he recover a greater amount than was awarded he shall also recover his costs in the action.

Plaintiff failing to recover to pay costs.

SEC. 13. No street or alley shall be opened unless all claims for damages have been finally determined and compensation made for the private land taken therefor.

Damage to be paid before opening street.

SEC. 14. This Act shall be construed as giving additional powers to the Mayor and Common Council of the City of Santa Cruz, and shall not be deemed to repeal any law in force.

Act; how construed.

SEC. 15. The City Assessor and City Tax Collector shall not be entitled to any compensation for any services rendered under this Act. The appraisers appointed under this Act shall be entitled to receive three dollars for each day of service as such appraiser, but not excluding the sum of fifty dollars each in any one case.

Compensation.

SEC. 16. For the purposes of this Act, any part of a street shall be deemed to be a street.

SEC. —. This Act shall take effect immediately.

CHAP. DLV.—*An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same, approved March twenty-eight, eighteen hundred and seventy-six.*

[Approved March 30, 1878.]

Preamble.

WHEREAS, By an Act of the Legislature of the State of California, entitled "An Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and to provide for the payment of the same, approved March twenty-eight, eighteen hundred and seventy-six, the Board of Trustees in Mission School District, in San Luis Obispo County, were authorized and empowered to issue certificates of indebtedness of the said district to the amount of fourteen thousand dollars, for the uses and purposes as in the said Act is provided; and whereas, thereafter, to wit, on the first day of July, eighteen hundred and seventy-six, the Board of Trustees of the said school district did issue certificates of indebtedness of the said school district to the amount and in conformity with the said Act, approved March twenty-eighth, eighteen hundred and seventy-six; and whereas, the certificates of indebtedness, so issued by said Board of Trustees, are not equal in market value to coupon interest bearing bonds; and whereas, the said school district is at this present time suffering a very great loss by reason of the difference in the market value of the said certificates of indebtedness and the interest bearing coupon bonds of the said district; and whereas, on the twenty-seventh day of July, eighteen hundred and seventy-six, an agreement was made and entered into between the Board of Trustees of said Mission School District, the parties of the first part therein, and Sutro and Company, bankers, and N. B. Childs, of the City and County of San Francisco, who were the purchasers and holders of the said certificates of indebtedness, and the parties of the second part therein, whereby the said Board of Trustees were to have the privilege of taking up said certificates of indebtedness and substituting and giving in exchange therefor coupon interest bearing bonds of said school district, which said bonds were to be issued under authority of the provisions of an Act to be passed at this, the twenty-second session of the Legislature of the State of California, whereby the said parties of the second part contracting by their said agreement to pay said district for said bonds

the price at which they purchased said certificates, with ten per centum added thereto; and whereas, the said Mission School District will be in a very great degree benefited by an Act amendatory of and supplemental to said Act entitled "An Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same, approved March twenty-eighth, eighteen hundred and seventy-six; now, therefore,

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Trustees of Mission School District, in San Luis Obispo County, are hereby authorized and empowered to issue bonds of the said district to the amount of fourteen thousand dollars, payable in the gold coin of the United States, at the office of the County Treasurer of the said county, on or before the first Monday in January, in the year one thousand eight hundred and eighty-six, and bearing interest at the rate of ten per centum per annum, and payable annually, on the first Monday in January in each year, in gold coin of the United States, at the office of the said County Treasurer.

Trustees authorized to issue bonds.

SEC. 2. Said bonds shall be issued in sums of not exceeding one thousand dollars each, and must be numbered consecutively, commencing with number one, and must be signed by the members of the said Board of Trustees, and be countersigned by the County Superintendent of Common Schools of San Luis Obispo County, and nine coupons, signed by the Clerk of the said Board of Trustees, for the interest on said bonds shall be attached to each of said bonds; each coupon shall bear upon its face the amount of annual interest payable upon the bond to which it is attached, and the amount named in the first coupon shall be for the interest from the date of the bond to which it is attached up to the first Monday of January next succeeding the day of the issuance of the said bonds.

Bonds, how issued; coupons attached.

SEC. 3. For the purpose of paying the interest on the bonds issued under the provisions of this Act, and providing for the final redemption thereof, the said Board of Trustees are required annually, in the month of April, to levy a special tax on all the taxable property in the said district of not less than twenty cents on each one hundred dollars, nor more than forty cents on each one hundred dollars of the taxable property in the said school district. The said tax must be assessed and collected in all respects as is provided by Article Nineteen, of Chapter Three, Title Three, of the Political Code; *provided*, that the time limited to the Assessor of the said special tax in which to perform his duties as such Assessor shall be ninety days; *and provided further*, that no tax so assessed shall become delinquent until the day and date upon which the general tax for State and county revenue becomes delinquent according to law; *and provided further*, that the said Board of Trustees of said school dis-

Special tax to be levied.

Mission  
School  
District  
Redemption  
Fund.

trict shall sit not less than five days as a Board of Equalization, at the time and place appointed to hold sittings as a Board of Equalization. The moneys collected as taxes according to the provisions of this Act, must, after first deducting therefrom annually the compensation of the Assessor and Collector of taxes as fixed by this Act, be paid by the Tax Collector of said district into the county treasury of said county, and by the County Treasurer of said county be set apart and constituted the "Mission School District Redemption and Interest Fund," and the moneys in said fund shall not be used for any other purpose than as provided by sections four and five of this Act; *provided*, that out of the moneys derived to the said district by the said special tax for the fiscal year one thousand eight hundred and seventy-eight and nine, the said County Treasurer may pay, upon the written order of the said Board of Trustees, duly certified by the said County Superintendent of Common Schools, such sums as may have been contracted to be paid by said Board of Trustees in the matter of accomplishing the purposes and intent of this Act.

Treasurer  
to pay  
interest.

SEC. 4. On the first Monday in January, in each year, the County Treasurer of the said county shall, out of the moneys in the said Mission School District Redemption and Interest Fund, pay the amount of interest on the bonds issued under the provisions of this Act that may be due on said day, and must take from the person to whom the payment of interest is made the proper coupon, as a voucher and receipt for the money so paid as interest, and shall file away and safely keep all such coupons so received, and must, within thirty days after the payment of the interest due for the current year, transmit to the said Board of Trustees a statement, in writing, of the amount of interest paid, and the particular bonds upon which the said interest has been paid.

Bonds; how  
redeemed.

Treasurer to  
advertise.

SEC. 5. Whenever there shall be a surplus of money in said fund over and above the amount necessary to pay the interest on the said bonds for the current year, equal to or more than the sum of one thousand dollars, then, and in that case, the said Treasurer shall advertise in a paper printed and published in said county, or in some one paper printed and published in the City and County of San Francisco, if in the opinion of a majority of the Board of Trustees of the said school district such advertisement in the City and County of San Francisco would better subserve the interests of said school district than a publication in said County of San Luis Obispo, for the term of three weeks; said advertisement shall contain a notice to all persons, holders, and owners of any bond or bonds issued under the provisions of this Act, that the said Treasurer is prepared to redeem certain ones of said bonds, designating the bonds to be redeemed by their numbers, commencing at the lowest number of said bonds that may not at the time have been redeemed, and, any of said bonds that are not presented to the said Treasurer for redemption, in accordance with the said advertisement and notice, within thirty days from and after the last

day of the publication of the said notice and advertisement, shall cease to draw interest. The amount of money remaining in said fund after the payment of the annual interest, as hereinbefore provided, equal to the amount of such of said bonds as may not be presented to the said Treasurer for redemption in accordance with said advertisement and notice, shall be, by the said Treasurer, set apart and kept inviolate, and may be used for no other purpose than the payment of such of said bonds as may not have been presented for redemption within the time limited by this section.

SEC. 6. On the fifteenth day of April, in the year eighteen hundred and seventy-eight, and thereafter every second year, on the first Monday in March, the Board of Trustees of said Mission School District shall call a special election for the purpose of electing a District Assessor and Collector of Taxes. The said special election shall be called and held as is provided by Article Six, of Chapter Three, Title Three, of the Political Code, relating to elections of School Trustees in school districts; *provided*, that the notice of the time of holding the election for said District Assessor and Collector of Taxes shall be made by publication in some newspaper printed and published in the County of San Luis Obispo, for not less than ten days next before the time for holding said election. The officer elected at said election shall hold his office for the term of two years, and until his successor shall have been elected and qualified. The said Assessor and Collector of Taxes shall give bonds, as Assessor, in the sum of two thousand dollars, and shall receive as salary, as Assessor, such sum as the said Board of Trustees may allow, not exceeding two hundred dollars; said sum shall be full compensation for his services as such Assessor; he shall also receive, as Collector of Taxes, such compensation as may be allowed by said Board of Trustees, not exceeding the sum of two per centum on the entire amount of tax collected, and shall give bond, as Collector of Taxes, in such sum as may be fixed by said Board of Trustees, not less than the sum of four thousand dollars. Any vacancy in the office of the said Assessor and Collector of Taxes, occasioned by death or otherwise, may be filled by a suitable person to be appointed by the said Board of Trustees; the said appointee shall hold his office during the unexpired portion of the term of office of the person whose office the appointee holds.

Special  
election.

Salary of  
Assessor.

Vacancy;  
how filled.

SEC. 7. The said Board of Trustees shall provide a proper book in which the Clerk of the said Board shall keep a full, correct, and true account of all the proceedings of the said Board, relating to or in any manner affecting the bonds as herein provided, including the amount of bonds issued, substituted, exchanged, surrendered, or redeemed, and the amount of money received each year to the use of the said district by the special tax as hereinbefore provided, with the amount of interest paid, as shown to said Board by the statements of the said County Treasurer, as is provided by section four of this Act. The said book shall, during office hours, be open to the inspection of the public.

Clerk to  
keep ac-  
count book.

SEC. 8. The bonds issued, as in this Act is provided, may

Bonds to be  
used for  
what.

Proviso.

be used by the said Board of Trustees for the sole purpose of exchange for, and redemption of, those certain certificates of indebtedness of the said Mission School District heretofore issued under the provisions of the Act to which this Act is amendatory and supplemental, until said certificates of indebtedness are fully redeemed, and the said Board of Trustees may not, in any way or manner whatsoever, increase the debt of the said Mission School District over the amount of its present indebtedness, as evidenced by the certificates of indebtedness hereinbefore referred to, nor shall the money received from the sale of the bonds issued under the provisions of this Act be used in any other way, or for any other purpose than the redemption of said certificates of indebtedness, until they shall have been fully redeemed; *provided*, that due and proper allowance for the difference in the market value of the said certificates of indebtedness, and the said bonds, shall be made; *and provided further*, that the exchange for, and redemption of, the said certificates of indebtedness, as in this section is allowed, shall be made pursuant to and under the conditions and terms contained in that certain agreement made and entered into between the said Board of Trustees, as the parties of the first part, and Sutro and Company, bankers, and N. B. Childs, of the City and County of San Francisco, the purchasers and holders of the said certificates of indebtedness, as the parties of the second part, dated the twenty-seventh day of July, eighteen hundred and seventy-six, and to which agreement particular reference is made by the preamble to this Act prefixed.

SEC. 9. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAP. DLVI.—*An Act amendatory of an Act entitled an Act concerning trespassing of animals upon private lands in certain counties in the State of California, approved March seventh, eighteen hundred and seventy-eight.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Act made  
applicable to  
certain  
counties.

SECTION 1. Section sixteen of an Act entitled an Act concerning trespassing of animals upon private lands in certain counties in the State of California, approved March seventh, eighteen hundred and seventy-eight, is hereby amended so as to read as follows, to wit: Section sixteen. This Act shall apply to all of that part of the County of San Bernardino lying south of a line drawn due east and west from the Colorado River to the western boundary line of said county, on the township line between townships two and three north, of San Bernardino base line, and shall also apply to Alpine



County, and to all that portion of Salmon Falls Township, in El Dorado County, lying south of the South Fork of the American River, and to the Counties of Colusa, and to that portion of Tehama County lying west of the Sacramento River and south of Red Bank Creek, and to the Counties of Humboldt, Merced, Solano, Santa Barbara, San Joaquin, San Luis Obispo, Sacramento, and Los Angeles, and also to the Townships of White Oak and Mud Springs in the County of El Dorado.

SEC. 2. All Acts or parts of Acts in conflict with this Act, or the Act to which it is amendatory, are hereby repealed.

SEC. 3. This Act shall be in force from and after its passage.

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CHAP. DLVII.—*An Act appropriating money for the conservation of the public peace.*

[Approved March 30, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of twenty thousand dollars is hereby appropriated, out of any money in the General Fund in the State treasury, to be expended, in the discretion of the Governor, for the conservation of the public peace. Appropriation authorized.

SEC. 2. This Act shall take effect immediately.

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CHAP. DLVIII.—*An Act to enable the Board of Supervisors of the City and County of San Francisco to increase the police force of said city and county, and provide for the appointment, regulation, and payment thereof.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco shall have power to increase the police force of said city and county, and to reorganize the same in the following manner. In addition to the force of one hundred and fifty, now allowed by law, said Board may increase the same by not to exceed two hundred and fifty, making not more than four hundred in all, to be appointed and governed in the manner provided for the appointment and regulation of the police force of said city and county. Power of Board to increase police force.

SEC. 2. The compensation of the two hundred and fifty (250) police officers provided for by this Act, or such part thereof as said Board of Supervisors shall allow, shall not Compensation of police.

exceed one hundred and two (\$102) dollars per month each, and the compensation of the police officers in office at the time of the passage of this Act shall continue at the amount or rate established by the Act or Acts under which they have been appointed, until the first day of January, A. D. eighteen hundred and seventy-nine, when and upon which day their pay shall be graded and fixed by the Board of Commissioners provided to be appointed by this Act. The police officers now in office shall be known as the "old police," and those appointed by virtue of this Act shall be known as the "new police." Police officers hereafter appointed to fill vacancies upon the "old police," shall receive the same pay with the "new police," subject to the condition that the Treasurer of said city and county shall retain from the pay of each police officer the sum of two dollars per month, to be paid into a fund to be known as "The Police Life and Health Insurance Fund," which said fund shall be administered as is provided in sections nine to thirteen, inclusive, of this Act.

System  
abolished.

SEC. 3. The system of "special police" officers, as heretofore practiced in said city and county, is hereby abolished and prohibited, and no special officer shall be appointed, except as herein provided for. It shall be lawful for the Police Commissioners to appoint a special officer when the same is petitioned for by any persons, firms, or corporations, to be named in the warrant of appointment, to do a special service, to be paid by such persons, firms, or corporations so petitioning. Any special officer asking for, soliciting, demanding, collecting, or receiving, or causing others to do so for his benefit, any money, or other valuable thing, upon pretense of guarding or protection of the persons, or property of the persons, from whom the same shall be asked, demanded, solicited, collected, or received, except the persons, firms, or corporations so petitioning for his said appointment, and named in said warrant, shall be guilty of a misdemeanor, and on conviction punished accordingly, and shall be dismissed from the service; *provided*, that this section shall not take effect until ninety days after its passage.

Misdemeanor.

Police men  
in Chinese  
quarter.

SEC. 4. No special police officer shall ever be appointed in that portion of said city and county known as the Chinese quarter, the boundaries of which shall be established from time to time by the Police Commissioners. It shall be the duty of the Chief of Police to change the police officers of the regular force stationed in the Chinese quarter, and to substitute others in their places, so that the whole force, in their turn, shall regularly be assigned for duty in said quarter, in regular and continuous rotation.

Officers;  
how paid.

SEC. 5. The police officers now in office shall continue to be paid in the manner and out of the fund the same as before the passage of this Act. The members of the "new police" force shall be paid in the following manner: Each police officer of said new police shall have issued to him monthly, by the Auditor, a demand on the Treasurer, showing the amount due him for his salary for such month. Said demand, on presentation to the Treasurer of said city

and county, shall be by him registered in the order of its issuance, in a book to be kept by him for the purpose, and shall, from the date of such registration, bear interest at the rate of six per cent. per annum until paid. Both interest and principal shall be paid in United States gold coin, in the manner hereinafter provided for.

SEC. 6. The Board of Supervisors of said city and county shall include, in the tax levy for the fiscal year commencing on the first day of June, A. D. one thousand eight hundred and seventy-eight, a sum and rate sufficient to pay all such registered demands on the treasury, with said interest, and also for the future payment of the salaries of said "new police" from the time money comes into the treasury sufficient to pay off all of said registered demands; then and from such time said "new police" shall be paid in cash in the same manner as the old police are paid. Tax to be levied.

SEC. 7. The Judge of the Fifteenth Judicial District of the State of California, the Judge of the Twelfth Judicial District of the State of California, and the Judge of the Fourth Judicial District of the State of California, or so many of them as shall act, are hereby empowered and required to meet together within ten days after the passage of this Act, or as soon thereafter as is practicable, and as often as shall be necessary, and to choose three citizens of said city and county, householders of good repute, without respect to their politics, who, together with the Chief of Police, shall constitute the Board of Police Commissioners for said city and county. Said four Commissioners shall be vested with all the powers, and subject to all the duties and liabilities of, and shall supersede the Board of Police Commissioners provided for in section seven of an Act entitled an Act to create a City Criminal Court in and for the City and County of San Francisco, and to define its powers and jurisdiction, approved April third, A. D. eighteen hundred and seventy-six, which section of said Act, and all Acts and parts of Acts in conflict with or inconsistent with this Act, are hereby repealed. The Police Commissioners appointed under this Act shall choose, from their own number, a President of the Board, whose salary shall be two hundred and fifty dollars per month, and the other Commissioners so appointed shall receive one hundred dollars per month each, to be paid in like manner with other official salaries in said city and county. All vacancies shall be filled by the aforesaid Judges making the appointments; *provided*, that from and after the official term of the present Chief of Police said office shall cease to be elective, and shall be filled by the Commissioners, whose appointment is herein provided for, at a salary of four thousand dollars per annum. No member of said Board of Police Commissioners, appointed as herein provided for, shall be eligible to any other office during his incumbency of the office of Police Commissioner, nor for one year thereafter. No member of said Board of Police Commissioners shall, during his term of office, be a member of any party convention the purpose of which is to Board of Police Commissioners.  
Powers of Commissioners.  
President.  
Vacancies; how filled.  
Requirements of officers.

nominate candidates for office. Nor shall the officers, members, or employes of said police department take any part whatever in any partisan convention, held for the purpose of a political party, nor shall any member of the said Board of Police Commissioners, directly or indirectly, attempt to influence or control the action of any member of said police department, or any employé thereof, in any primary or general election. Any violation of the provisions of this section shall be deemed a misdemeanor, and, on conviction, punished accordingly.

Misdemeanor.

SEC. 8. The entire police force of said city and county shall be and continue subject to all laws and regulations in force before the passage of this Act, and not inconsistent or in conflict herewith.

SEC. 9. That the Mayor, Auditor, and Treasurer of the City and County of San Francisco shall constitute a Board, known as "The Police Life and Health Insurance Board."

Certain moneys; how invested.

SEC. 10. The said Board shall, from time to time, as in their judgment may be best, invest the moneys of "The Police Life and Health Insurance Fund" in such of the following securities as shall seem the most safe and profitable, namely: The bonds of the City and County of San Francisco; the bonds of the State of California; the bonds of the United States of America; and the securities shall be held by said Treasurer, subject to the order of said Board, and the said Treasurer shall have no power to deposit, pledge, or in any way part with the possession of said securities, or the evidence thereof, except on the order of said Board.

Money paid upon death of members, etc.

SEC. 11. Upon the death of any member of the said police force, after the first day of June, eighteen hundred and seventy-eight, there shall be paid by the Treasurer out of said "Life and Health Insurance Fund," to the legal representative of said police officer, the sum of one thousand dollars. In case any police officer shall resign, from bad health, or bodily infirmity, there shall be paid to him from said fund the amount of the principal sum which he shall have contributed thereto. In case of dismissal of any police officer for mere incompetency, not coupled with any offense against the laws of the State, such officer shall be paid from said fund such amount as the Board may award, not exceeding one-half of the sum he may have contributed to said fund. Any officer dismissed for gross neglect or violation of duty, or upon conviction of any misdemeanor or felony, shall forfeit all claim upon said fund.

SEC. 12. In case such fund shall not be sufficient to pay the demand upon it, such demand shall be registered and paid in the order of its registry out of the funds as received.

SEC. 13. The said Mayor, Auditor, and Treasurer shall receive no compensation for their services as members of said Board, nor shall the said Treasurer receive any compensation as Treasurer and custodian of said funds.

Captain appointed.

SEC. 14. In addition to the Captains of police now allowed by law, the Commissioners shall appoint one Captain, who shall be known as the Captain of the Harbor Police, and shall receive the same salary as other Captains of the police.

SEC. 15. The Police Commissioners appointed under this Act shall hold their meetings in the office of the Chief of Police, or in such other convenient place as the Board of Supervisors shall designate, and the Clerk of the Chief of Police shall act as the Clerk of said Board of Commissioners. Meetings; where held.

SEC. 16. This Act shall take effect immediately.

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CHAP. DLIX.—*An Act granting leave of absence from the State to G. W. Hughes, County Assessor of the County of Sierra.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Leave of absence from the State of California is hereby granted to G. W. Hughes, County Assessor of the County of Sierra, from and after the first day of August, one thousand eight hundred and seventy-eight, until the thirty-first day of December in the same year. Leave of absence granted.

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CHAP. DLX.—[See volume of *Amendments to the Codes.*]

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CHAP. DLXI.—*An Act to define coöperative business corporations, and to provide for the organization and government thereof.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. A coöperative business corporation is a corporation formed for the purpose of conducting any lawful business and of dividing a portion of its profits among persons other than its stockholders. Coöperative business corporations shall be formed under and governed by Division One, Part Four, Title One, of the Civil Code of this State, and when so formed, may, in their by-laws, in addition to the matters enumerated in section three hundred and three of said Code, provide: Coöperative business corporation defined.

*First*—For the number of votes to which each stockholder shall be entitled; and, Provisions.

*Second*—The amount of profits which shall be divided among persons other than the stockholders, and the manner

in which and the persons among whom such division shall be made.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. DLXII.—[See volume of *Amendments to the Codes*.]

CHAP. DLXIII.—*An Act to provide for the completion of the Branch State Prison, at Folsom.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Completion  
of Branch  
State Prison.

SECTION 1. The Board of State Prison Directors are hereby authorized and directed, on or before the first day of June, A. D. eighteen hundred and seventy-eight, to commence the completion of the building of the Branch State Prison, at the site conveyed to the State by the Natoma Water and Mining Company, situated near the Town of Folsom, in Sacramento County, and, without unreasonable delay, continue such work until the appropriations made for that purpose shall be exhausted.

Appoint-  
ment of  
architect.

SEC. 2. The said Board of State Prison Directors are hereby authorized to appoint an architect, who shall be ex officio Superintendent of said Prison, who shall hold his office during the pleasure of said Board, and until his successor is appointed and qualified, whose duty it shall be to superintend and manage the construction and erection of said Prison structure, under such rules and regulations as said Board may prescribe, who shall receive a salary of two hundred and fifty dollars per month.

Cells to be  
built.

SEC. 3. The said Prison Directors shall first cause to be erected and completed within said Prison cell building, fifty cells, for the accommodation of at least one hundred prisoners, for the time they are employed in the erection of said Prison building, wall, or Prison structure; also, within the main building, such temporary quarters as may be necessary for the use of officers and guards during the process of construction. Said cells may be increased in number, from time to time, as the Directors may deem necessary.

Removal of  
certain  
prisoners.

SEC. 4. As soon as temporary quarters are erected, as provided in section three of this Act, said Board of State Prison Directors shall select a number of prisoners, not less in number than one hundred, to work on said Prison building and structure, and cause them to be removed from the State Prison at San Quentin to said Prison near Folsom, and there to be confined and worked in the erection of said

Prison structure, and such other work and labor as said Directors shall deem advantageous during the term or terms of their sentence to the State Prison, which number shall be increased, from time to time, as provision shall be made for them at said Branch Prison, and said Board shall deem best.

SEC. 5. The walls of the whole Prison structure shall be erected with stone taken from the granite quarries situated on the land mentioned in section one of this Act, and convict labor shall be used in and about the premises, whenever it can be done to more advantage to the State than with other labor; and the said Prison structure shall be erected, finished, and completed as speedily as practicable after it is commenced, and its construction shall be in harmony with the general plans adopted for the construction of the Branch State Prison at Folsom; *provided*, that dimension stone may be used for the erection of the cells for the prisoners, and all cornice and embellishing work shall be omitted.

Structure  
of Prison.

SEC. 6. All laws now in force, or that may be hereafter enacted in relation to the management, control, and support of the State Prison at San Quentin, except so far as they conflict with this Act, are hereby made applicable to the Branch State Prison at Folsom.

Laws made  
applicable.

SEC. 7. All salaries paid to officers, guards, or skilled laborers, and all moneys expended for materials, tools, or supplies used in the construction of said Branch State Prison buildings and wall, and for the support and maintenance of said Prison, shall be drawn from the State treasury, in the same manner as moneys are now drawn therefrom for the support and maintenance of the State Prison at San Quentin, and the Board of Directors shall cause to be kept a correct account, in detail, by items, of all moneys received and disbursed by them in the building, support, and management of said Branch State Prison, and shall, on or before the first day of November of each year, make a full report to the Governor, showing, in detail, all transactions connected with the construction, management, support, and maintenance of said Prison, and of the working and conducting of the convicts therein confined.

Salaries, etc.;  
paid from  
where.

SEC. 8. The Warden shall collect, or cause to be collected, and receive all moneys due for work and labor furnished any parties at or for said State Prison, or from the lease of the labor of convicts therein confined, or for materials sold, the result of convict labor, and pay the same into the State treasury, and take the Treasurer's receipt therefor; and it shall be the duty of the State Treasurer to place the same in a fund to be known as the "Folsom Branch State Prison Fund," which moneys, together with all moneys appropriated or obtained by assessment and levy of taxes upon the value of property for the building, support, and maintenance of said Prison, shall be subject to order of said Board of Directors, and be disbursed in the support of said Branch State Prison.

Duty of  
Warden.

SEC. 9. The sum of one hundred and twenty thousand dollars is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated; and the fur-

Appropriations  
author-  
ized.

Incurring  
debt.

ther sum of eighty-five thousand four hundred and ninety-four dollars and seventy-three cents, now belonging to said "Branch State Prison Fund," which said amount is hereby re-appropriated to said fund, for the purpose of carrying out the provisions of this Act, and the State Treasurer is hereby required and directed to place the same in the "Folsom Branch State Prison Fund," subject only to orders for disbursement as hereinafter provided. Neither the Board of State Prison Directors, nor any one acting under, in behalf of, or for said Board, shall incur or create any debt or debts, liability or liabilities, under the provisions of this Act, nor shall they make any contract or agreement in relation to the construction of said Branch State Prison, the completion and fulfillment of which will exceed the appropriations made in this section, or the balance of such appropriation unexpended at the time such contract or agreement is entered into; all such contracts and agreements shall be void; *provided*, that the said State Prison Directors, if in their judgment it is advisable and will better conserve the interests of the State, are hereby authorized to adopt the plans and specifications submitted to the committee by A. A. Bennett, in relation to said Branch Prison, and may, at their discretion, contract for the completion of the two first sections of said Prison.

Board to  
keep ac-  
count of  
work done  
by prisoners.

SEC. 10. Said Board of Directors shall cause to be kept a correct account of each day's work done by each prisoner, whether such work was performed directly on work for the State or was leased or hired by said Directors to persons or associations doing business on their (persons' or associations') own account. To the credit of each and every prisoner doing work, as herein provided, shall be placed the sum of five cents for each day's work so performed; and upon the discharge of any prisoner from said Prison, the Warden shall certify to the Board of Directors the amount due such prisoner, as above provided, who shall immediately draw their warrant on the Treasurer in favor of such prisoner for such amount, and the Treasurer is hereby directed to pay the same; *provided*, that no prisoner shall receive any pay, as herein provided, unless he performs labor to the satisfaction of said State Prison Directors, and conforms to the Prison discipline.

SEC. 11. No part of such earnings, nor any warrant drawn on the treasury therefor, shall be assignable, but the same shall only be paid out to such discharged prisoner.

Certain  
conditions  
necessary,  
otherwise  
Act made  
null and  
void.

SEC. 12. The provisions of this Act shall be null and void, and the appropriation herein made, including the appropriation heretofore made for the erection of a Prison at or near the Town of Folsom, shall be credited back to the General Fund of the treasury, unless the State Prison Directors can make contracts on or before the thirtieth day of June, eighteen hundred and seventy-eight, with some responsible party or parties for the hire of not less than three hundred and fifty convicts for terms not less than five years, at a price not to be less than fifty cents per day for each convict; all to be worked on the Branch Prison grounds, under the charge and



control of the officers of the said Prison; and unless the contracting party or parties shall enter into good and sufficient undertakings, or bonds, in the aggregate sum of two hundred and fifty thousand dollars, made to run to and to be enforced by said Directors for the use of the State, for the faithful performance of all the conditions of such contracts, one of which shall be that the wages of the convicts shall be paid promptly at the end of each month. The said Directors shall be the sole judges of the sufficiency of any bond or undertaking or security offered as hereinbefore provided.

SEC. 13. The Board of State Prison Directors are authorized to use any money received for labor to pay to expenses of supplies for the said Prison.

SEC. 14. All Acts and parts of Acts in conflict with this Act are hereby repealed in so far as they conflict therewith.

SEC. 15. This Act shall take effect and be in force from and after its passage.

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CHAP. DLXIV.—*An Act to repeal an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, and an Act supplemental to said Act, entitled an Act supplemental to an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, so far as their provisions relate to the Counties of Contra Costa and Alameda.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, and the Act entitled an Act supplemental to an Act entitled an Act to create an irrigation district, to be called the "West Side Irrigation District," approved April third, eighteen hundred and seventy-six, are hereby repealed, so far as any of their provisions relate to the Counties of Contra Costa and Alameda. Repeal.

SEC. 2. This Act shall take effect immediately.

CHAP. DLXV.—*An Act to incorporate the Town of Berkeley, in Alameda County.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Town of  
Berkeley.

SECTION 1. The people residing within the boundaries of that tract of land in Oakland Township, in Alameda County, described in section two of this Act, are hereby constituted a body politic and corporate by the name of the "Town of Berkeley," and by that name shall have perpetual succession, may sue and be sued in all Courts, and in all actions whatsoever, and shall have and use a common seal, and alter the same at pleasure, and may purchase, receive, hold, and enjoy real and personal property, and sell and dispose of the same for the common benefit, subject to the provisions and limitations of this Act, and in no other way whatsoever.

Boundaries  
defined.

SEC. 2. The boundaries of said town shall be as follows: A line commencing at a point in the Bay of San Francisco, five hundred (500) feet south of a point where the south line of Dwight way, if extended westerly, would intersect the westerly boundary of Alameda County; thence easterly along a line five hundred (500) feet south of the southerly line of said Dwight way and said westerly extension thereof to the intersection of said line with the easterly line of College Avenue; thence southerly along the easterly line of said College Avenue to the southwest corner of plot seventy-eight, of subdivision of Ranchos of Vincent and Domingo Peralta (as per Kellerbergen's map of same); thence easterly along the southerly line of plot seventy-eight (78) to the intersection of said line of seventy-eight (78) to a point where the easterly line of plots seventy-five (75) and seventy-six (76) if extended northerly would intersect the same; thence northerly across plots seventy-seven (77) and seventy-eight (78) to the southeast corner of plot eighty (80); thence north along the east line of plots eighty (80), eighty-two (82), and eighty-three (83) to the north boundary of Alameda County; thence along said boundary to its intersection with the north line of plot eighty-three (83); thence westerly along the north line of plot eighty-three (83) to the northeasterly corner of the "Berryman Tract;" thence westerly along the north side of said tract extended to Cordone's Creek; thence westerly along said creek to the westerly line of First Street, in Tract "B," of the lands of the "Berkeley Land and Town Improvement Association;" thence at right angles to First Street, in a straight line westerly to the westerly boundary of Alameda County; thence southerly along said west line of Alameda County to the point of commencement.

Govern-  
ment.

SEC. 3. The government of said town shall be vested in a Board of Trustees, to consist of five members, an Assessor, a Marshal, who shall be ex officio Tax Collector, a Clerk, a Treasurer, two Justices of the Peace, and two Constables.

SEC. 4. Said Board of Trustees, Assessor, Marshal, Clerk,

Treasurer, Justices of the Peace, and Constables shall be elected by the qualified electors of said town, on the second Monday in May of each year, and shall enter upon their duties upon the first succeeding Monday thereafter. The Assessor, Marshal, Clerk, Treasurer, Justices of the Peace, and Constables shall hold their offices for one year, and until their successors are elected and qualified. The first Board of Trustees elected under the provisions of this Act shall, at their first meeting and after being duly qualified, select by lot their terms of office, two of whom shall serve for one year, two for two years, and one for three years, and thereafter the term of office shall be two years.

Election of officers.

SEC. 5. All elections held under the provisions of this Act shall be in accordance with the general election laws of this State. All the duties of an Election Board, which are or may hereafter be prescribed by the statutes of the State, regulating and governing elections, shall be performed by the "Board of Election" of said town, who shall be appointed by the Board of Trustees of said town, and have the same power as a Board of Election under the general laws of the State. When the returns shall have been completed, they shall be sealed and delivered by the Board of Election to the Town Clerk, who shall safely keep the same, not allowing any person to open said returns, and deliver them to the Board of Trustees at their meeting on the first Wednesday subsequent to the election. The Board of Trustees shall meet on the first Wednesday subsequent to the election, and duly canvass the election returns in the manner prescribed by the general election laws of the State, declare the result, and direct the Town Clerk to issue certificates of election to the persons elected; *provided*, that the notice of the first election of officers of said town must be given by the County Judge of the County of Alameda, by publishing the same in a newspaper published in said county three weeks successively, which said notice shall designate the time when said election will be held, the boundaries of said town, the officers to be elected, the polling places, and the officers of election. The returns of said first election must be sealed, as hereinbefore provided, and delivered to said County Judge, or in case of a vacancy in the office of such County Judge, his absence, or inability from any cause to act as such, then to such other County Judge as may be designated by the Governor to act in that behalf, who must count and declare the vote and issue the certificates of election.

Board of Election.

Canvassing of returns.

SEC. 6. The Board of Trustees shall meet on the first Monday after their election, qualify, and choose a President from their number. The time and place of holding their stated meetings shall be as provided by ordinance, and they may be convened by the President at any time by written notice, delivered to each member not less than three hours before the time specified for the proposed meeting; and all meetings of the Board shall be within the corporate limits of the town, and shall be public. In case the Clerk shall not be present, the President may appoint one of their number as Clerk pro tem.

Meetings of Trustees.

Quorum.

SEC. 7. At the meetings of the Board a majority of the Trustees shall constitute a quorum to do business. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as the Board previously, by ordinance, may have prescribed.

Powers and duties of Board.

SEC. 8. The Board of Trustees shall judge of the qualifications of their own members and of all election returns, except of the first election herein provided for, and determine contested elections of all town officers. They may establish rules for their own proceedings, punish any member or other person for disorderly behavior in their presence. They shall keep a journal of their proceedings, and at the desire of any member, shall cause the ayes and noes to be taken on any question and entered in the journal.

SEC. 9. The Board of Trustees shall have power, within said town:

*First*—To make by-laws and ordinances not repugnant to the Constitution and laws of this State or of the United States.

*Second*—To acquire, construct, and keep in repair pumps, aqueducts, reservoirs, or other works necessary for duly supplying the town with water, and to provide for the regulation and maintenance thereof, under the limitation herein-after presented by this Act, and to grant permission to lay water and gas pipes in the streets of said town, with such restrictions and prohibitions as the interests of the town may demand.

*Third*—To lay out, alter, open, and keep open, and repair the streets, sidewalks, and alleys of the town, and regulate the traffic thereon, and determine the width and grade of all streets and sidewalks in the town, and to set out, and cause to be set out and cultivated, shade trees along said streets, and to regulate and direct the planting of the same.

*Fourth*—To provide such means as they may deem necessary to protect the town from injuries by fire.

*Fifth*—To impose and collect a road poll tax of not exceeding two dollars per annum on every male inhabitant of the age of twenty-one and less than sixty years, and no other road poll tax shall be collected within the limits of the Town of Berkeley.

*Sixth*—To impose and collect a tax of not to exceed two dollars per annum on every dog owned within the limits of the town, and no other dog tax shall be collected within the limits of said town.

*Seventh*—To provide for the draining, the establishing of grades, improvements, repairs, and lighting, of the streets, and the construction of sidewalks, drains, and sewers, and keeping the same in repair; to regulate and prevent the business of slaughtering animals within the limits of the town; to provide for the prevention and summary removal of all nuisances; to provide for the prevention and summary removal of all occupations detrimental to the public health, comfort, and safety, and to provide for prevention and regulation of contagious diseases; to suppress or regulate the

erection of glue or tar works; to suppress and prohibit gambling houses, and all houses of ill-fame and prostitution, and all occupations, houses, places, amusements, and exhibitions which are against good morals and contrary to public order and decency.

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duties of  
Board.

*Eighth*—To regulate the erection of steam-boilers and engines, and to prohibit the erection thereof in places deemed dangerous to the inhabitants of the town, and to regulate the storage of gunpowder, tar, pitch, resin, and other extremely explosive or combustible materials.

*Ninth*—To prevent and punish the leaving of any animals upon any street, alley, or lane, within the limits of the town, without securely fastening the same; also to prevent the hitching or fastening of any animals to, and to prevent the posting of any notice or placard upon or otherwise defacing or injuring any lamp-post or hydrant, or any tree upon any highway of the town, or any case or box around such tree.

*Tenth*—To prevent and punish the appearance of any person upon any highway or public place in a state of drunkenness or intoxication, or in any private house or grounds to the annoyance of any person therein, and to prevent any person or persons from behaving in an indecent or lewd manner, or making any indecent exposure of his or her person, or performing any indecent, immoral, or lewd play or representations, or the bathing in any public manner within the limits of the town; to prevent any noise, disorder, or tumult to the disturbance of the public peace.

*Eleventh*—To prevent and punish the immoderate riding or driving of any horse or other animals, on the highways within the town; to prevent and punish any sport or exercise upon the highways or public grounds having a tendency to frighten horses; to empower any police officer or Justice of the Peace to disperse any disorderly crowd; to prevent and punish the firing of guns, pistols, or other fire-arms or cannon in the streets, or in the open air, within the limits of said town, unless upon the property of the person so firing the same, and under such regulations as the said Board of Trustees may, by ordinance, prescribe; and any Constable, policeman, or adult resident of said town, may arrest and take before any Justice of said town, any person caught in the act of violating such ordinances as the Board of Trustees may pass under the authority of this subdivision of this section.

*Twelfth*—To provide for inclosing, improving, and regulating all public grounds at the expense of the town.

*Thirteenth*—To license, tax, and regulate all such business and employments as the public good may require, and as may not be prohibited by law, and fix the terms and price thereof; *provided*, that the proceeds of all licenses issued to persons doing business within the Town of Berkeley shall be paid into the town treasury for the use of said town, and it shall be unlawful for any county officer to collect any such license within the said town.

*Fourteenth*—To permit the laying of railroad tracks and

Powers and  
duties of  
Board.

the running of cars drawn by horses or steam thereon, and to regulate the same.

*Fifteenth*—To erect, purchase, or lease proper buildings for a fire department.

*Sixteenth*—To provide for the good order of the town, and to appoint special policemen when deemed necessary to preserve the public peace.

*Seventeenth*—To purchase, hold, and maintain fire engines, and such implements for the prevention and extinguishing of fires as may be necessary.

*Eighteenth*—To prevent horses, mules, jacks, jennets, cattle, goats, sheep, and swine from running at large, being picketed or herded upon the streets, alleys, lanes, or public grounds within the limits of the town, and to punish the violation of ordinances passed in that behalf.

*Nineteenth*—To establish a pound and appoint a Pound-keeper and prescribe his duties, and to provide for a public sale, by the Pound-keeper, of such animals as shall be impounded, in the same way as, and upon like notice as, and in like manner that personal property is sold by execution under the laws of the State; *provided*, said Board of Trustees shall allow, by the proper order, the owner or owners of such property so impounded to reclaim the same at any time before the sale, upon payment of costs and charges of taking up and impounding, and damages, if any; and within thirty days after the sale shall allow him or them, upon proof of ownership of the property sold, duly made before a Justice of the Peace, and upon payment of costs of taking up, impounding, and selling, and damages, if any, and upon the payment of the sum of one dollar to the said Justice, as a fee for the investigation of ownership and for his certificate to that effect, the purchase money arising from such sale or sales.

*Twentieth*—To provide for the lighting of such streets and buildings belonging to or in use by the town as may be necessary; *provided*, that no contract for lighting any street shall be let for a longer period than five years.

*Twenty-first*—To offer and pay rewards for the arrest and conviction of persons charged with crime.

*Twenty-second*—To prescribe and fix such penalties for the violation of any of the provisions of this Act as are not otherwise provided for.

*Twenty-third*—To erect, purchase, or lease a building necessary for the public meetings of the Board of Trustees and of the Board of Education, also a suitable building for an engine house, and a structure suitable for a Town Prison; *provided*, that the amount expended for the construction of such building shall not exceed three thousand dollars in any one year; *and provided further*, that the amount expended for leasing shall not exceed six hundred dollars in any one year.

*Twenty-fourth*—The Board of Trustees shall have power to order, on the general municipal election, on like notice and in the same manner as the officers are elected, two Justices of the Peace and two Constables, to hold office for one year and until their successors are elected and qualified.

*Twenty-fifth*—To pass all ordinances and by-laws necessary and proper for fully carrying into effect the powers herein granted. Powers and duties of Board.

*Twenty-sixth*—To levy and collect, annually, a tax not to exceed fifty cents on each hundred dollars of the assessment valuation of all property, both real and personal, within said town, which said tax shall be divided as follows: For the General Fund, not exceeding fifteen cents on each one hundred dollars; for the School Fund, not exceeding twenty-five cents on each one hundred dollars; for the Road Fund, not exceeding ten cents on each one hundred dollars. Each of said funds shall be kept separate from any other. All fines collected in said town shall be paid into the School Fund, and said School Fund shall be used only in payment of teachers' salaries and the necessary expenses of the public schools, as hereinafter provided.

*Twenty-seventh*—To impose and collect a poll tax not exceeding two dollars per annum on each male inhabitant of the town, between the ages of twenty-one and sixty, which shall be paid into the School Fund of said town.

SEC. 10. The Board of Trustees may, by ordinance, designate the punishment to be inflicted for the breach of their ordinances, which punishment may be fine or imprisonment, or both, as said Board may designate. No fine exceeding one hundred dollars nor imprisonment exceeding thirty days for any one breach of any ordinance shall be imposed on any one person, but the conviction and punishment for any one breach of any ordinance shall not be pleaded or allowed in bar of the conviction or punishment of any other breach of such ordinance. Any Justice of the Peace residing within the limits of said town shall have jurisdiction to hear and try all cases for the violations of ordinances, and to render a judgment of fine or imprisonment, or both, within the limits prescribed by the ordinance. All suits for the violation of any ordinance shall be in the name of the "people of the State of California." Fines may be collected by execution. In case judgment directing the payment of a fine be rendered, the Justice may further direct that in case the defendant fail to pay the same, he shall be imprisoned in the County Jail or Town Lock-up (if such there be) until the same be paid, not to exceed one day for every one dollar of the fine. Persons living within the limits of the town shall be competent jurors, if in other respects competent and qualified. All fines collected under this Act shall, by the officers collecting the same, be paid over to Town Treasurer, and for any omission so to do, such officer may be proceeded against upon his official bond in the name of the town, in the manner authorized by law on the failure of officers to pay over money collected when so required. Said Justice must also add cost of suit to the fine. Punishment for breach of ordinances.  
Jurisdiction of Justices.  
Imprisonment.  
Fines shall be paid where.

SEC. 11. At the first election after the passage of this Act, there shall be elected six School Directors, who, together, shall constitute the Board of Education of the Town of Berkeley, which town shall hereafter constitute a separate school district. The term of office of each School Director Board of Education.

Term of  
office.

shall be three years, except as hereinafter stated, and after the first election two shall be elected every year. At the first election six shall be elected—two for one year, two for two years, and two for the full term. In case of vacancy in the office of School Director, the Board of Education shall choose a person to serve until the next election, when, if the term does not then expire, a person shall be elected to serve the remainder of the term. The said School Directors shall receive no compensation for their services.

Meetings of  
Board of  
Education.

SEC. 12. Said Board shall meet on the third Tuesday of May in each year, and then, or as soon as convenient thereafter, choose one of its members as President, and another as President pro tem. Its regular meetings thereafter shall be held on the first and third Tuesdays of every month, and at such other times as the President may, by notice, convene them, and at such hours as may be prescribed by rule. Such special meetings may be called by a written notice, delivered personally to each member of the Board. Four members shall constitute a quorum. No business shall be transacted without the concurrence of four members, but a majority of members present at any meeting may adjourn from time to time. All meetings shall be public, and full records of the proceedings of the Board shall be kept. The Town Clerk shall be ex officio Clerk of the Board of Education, for which services he may be allowed a sum not to exceed twenty-five dollars per month.

Compensa-  
tion of  
Clerk.

Power of  
Board of  
Education.

SEC. 13. The Board of Education shall have power:

*First*—To establish and maintain public schools, and to subdivide the school district, and to fix and alter the boundaries of such subdivisions.

*Second*—To employ and dismiss teachers, janitors, and School Census Marshals, and to fix, alter, allow, and order paid their salaries or compensations, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duty of the Board.

*Third*—To make, establish, and enforce all necessary and proper rules and regulations, not contrary to the State law, for the government and progress of public schools within the said town, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education.

*Fourth*—To provide for the school department of said town fuel and lights, water, printing, and stationery, and to incur such other incidental expenses as may be deemed necessary by said Board.

*Fifth*—To alter, build, repair, rent, and provide school houses, and to furnish the same with proper school furniture, apparatus, and school appliances, and to insure any and all such school property.

*Sixth*—To receive, purchase, lease, and hold in fee, in trust for the Town of Berkeley, any and all real estate, and to hold, in trust, any personal property that may have been acquired, or may be hereafter acquired, for the use and benefit of the schools of said town; *provided*, that no real estate shall be bought, sold, or exchanged, or expenditures incurred for the construction of new school houses, without the con-



sent of four members of the Board of Education, and three members of the Board of Trustees of said town; and *provided further*, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots, or the erection of school houses. The Boards of District School Trustees, holding as such any property of the districts within the said Town of Berkeley, are hereby authorized and required to make over to said Board of Education, upon application in writing by said Board, through its President and Clerk, by good and sufficient deeds of conveyance, all property, both real and personal, now held by said Board of Trustees, in trust for districts, for the use and benefit of the public schools; and the said Board of Education is hereby authorized to defray all expenses attending the same.

Power of  
Board of  
Education.

*Seventh*—To grade, fence, and improve all school lots.

*Eighth*—To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision, the Board of Education shall, on or before the third Monday of June of each year, submit, in writing, to the Board of Trustees of said town, a careful estimate of the whole amount of money to be received from the State and county, and the amount to be required from the town for the above purposes, and the amount so found to be required from the town shall, by the Board of Trustees of said town, be added to the other amounts to be assessed and collected for town purposes; and when collected, it shall be immediately paid into the School Fund of said town, to be drawn out only upon the order of the Board of Education.

*Ninth*—To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund.

*Tenth*—To discharge all legal incumbrances now existing, or that may hereafter exist, upon any school property.

*Eleventh*—To admit non-resident children, and persons over twenty-one years of age, to any of the higher department of the schools, upon the payment, monthly in advance, of such rates of tuition as said Board may establish.

*Twelfth*—To prohibit any children under the age of five years from attending the public schools.

*Thirteenth*—And generally to do and perform such other acts as may be necessary and proper to carry into effect the powers conferred on said Board.

*Fourteenth*—The said Board of Education may sue and be sued by their name of office. In any action or judicial proceeding against said Board, service of process upon a majority of the members thereof shall be sufficient to give the respective Court jurisdiction of the matter.

SEC. 14. The President of the Board of Education shall have power to administer oaths and affirmations concerning any demand upon the treasury, payable out of the School Fund, or other matters relating to his official duties, and to witnesses examined in any investigations had by the said

Powers of  
President  
of Board.

Board, or by a committee thereof, duly appointed by it for that purpose. He may issue subpoenas, under his hand and the seal of said town, to compel the attendance of such witnesses, who shall be entitled to the same fees as witnesses in civil cases, and who may be punished for contempt for non-attendance, or refusal to be sworn, or to answer, by the County Judge, in the same manner as witnesses duly summoned are authorized by law to be punished, in the respective case, by the County Court.

Disposition  
of claims.

SEC. 15. All claims, payable out the School Fund, shall be filed with the Clerk of the Board of Education, and after they shall have been approved by a majority of all the members of the Board, they shall be signed by the President and Clerk, and be sent to the Town Treasurer. Every demand shall have indorsed upon it a certificate of its approval. All demands for teachers' salaries shall be payable monthly. All demands authorized by this section shall be paid by the Town Treasurer from the School Fund, when the same shall be presented to him, so ordered paid, and approved by the Board; *provided*, that the said Board of Education shall not have power to contract any debt or liabilities, in any form whatever, against the said town, in contravention of this Act.

Opening of  
new streets.

SEC. 16. Article One. Whenever a petition shall be presented to the Board of Trustees of the Town of Berkeley, signed by twenty resident owners of real estate in said town, to open any street already established, and sought to be extended, or open any new street, it shall be the duty of said Board to examine into said matter, and if, in the opinion of four-fifths of all the members elected to said Board, to be expressed by a resolution to be entered upon their minutes, with the names of members voting therefor, that the convenience of the public will thereby be promoted, they may, by resolution, direct an engineer to furnish a map of the said proposed improvement, and of the premises to be affected thereby, a copy of which resolutions shall forthwith be transmitted by the Clerk of said Board to said engineer.

Duty of  
engineer.

Article Two. It shall be the duty of said engineer, upon receiving such notice, to proceed and survey the said proposed improvement, to make a map thereof, showing the location, boundaries, the amount of land necessary to be taken, and the names of the owners and possessors thereof, showing the portion owned and possessed by each, and return the same to the Board of Trustees within ten days after the receipt of said resolution by him, unless longer time shall be granted by said Board.

Notice to be  
published.

Article Three. Upon receiving said map and returns from said engineer, the said Board shall forthwith give notice of not less than five days, by publication in a newspaper, if there be one published in said town, if there be no newspaper published in said town, then by posting notices at the place of meeting of said Board, and at three other public places in said Town of Berkeley, of the time and place where they will hear all parties desiring to show cause against said improvements. At the time and place designated in such notice, or at such subsequent time as the Board may adjourn to, but

such adjournment shall not, in the aggregate, exceed seven days, the Board shall proceed with such hearing.

Article Four. If no objection be made, or if, after hearing the objections thereto, the Board shall remain of the opinion that such improvement should be made, they shall elect, by ballot, three Commissioners, residents and property owners in said town, not interested, directly or indirectly, in the proposed improvements, or in the property to be affected thereby, to assess the damages and benefits to be caused by such improvements. Within two days thereafter, said Commissioners shall give notice of time and place where they will proceed to examine the property to be affected by such improvements, by an advertisement for three days in a daily newspaper published in said town, if there be a daily newspaper published therein, and if not, then by posting notices at the place of meeting of the Board, and at three other places in said town. At the time and place named they shall proceed to examine the lands and improvements to be affected by the proposed improvements, and shall first ascertain the amount of damages to be sustained, the names of the owners of the property to be damaged, and the amount to be paid to each of the owners therefor. They shall then assess upon the property to be benefited by such improvements a sum sufficient to pay the whole amount of said damages, and fees, and expenses of said Commissioners, and shall apportion the same among the owners of the several parcels of property to be thus benefited, in proportion to the amount of benefits to accrue to each. In making such estimate and apportionment, they shall take all pertinent testimony that may be offered them, and may examine any witness that they shall deem it necessary or advisable to call, and shall have authority to administer oaths to all persons testifying before them. Within twenty-one days after the apportionment, unless further time be granted by the Board of Trustees, they shall make a report to the said Board of all assessments and awards so made by them, with the names, and amounts of the persons damaged, or benefited, as aforesaid.

Article Five. Upon receiving such report, said Board may, by ordinance, levy a tax upon the several parcels of property reported as benefited by said improvements, for the amounts severally charged against each in said report, which tax shall be a lien on said several parcels of property, and shall not be removed until said tax is paid. Immediately after levying such tax, they shall give notice thereof, by advertisement, requiring the owners of the property taxed to pay the amount severally due from each, to the Town Marshal, within ten days from the first publication of said notice. At the expiration of said ten days they shall issue to the Town Marshal a warrant, to be signed by the President and Clerk, commanding him to levy and collect all of the said tax that shall then be unpaid, with his fee for collection, from the property upon which the same is a lien, as aforesaid, and shall thereupon deliver the same to said Marshal.

Article Six. Upon receiving said warrant the Marshal

Election of Commissioners.

Examination of property by Commissioners.

Apportionment of assessment.

Commissioners to make report.

Tax to be levied.

**Collection of unpaid taxes.** shall proceed to collect so much of said tax as is unpaid, by levy upon and sale of the several portions of property upon which said unpaid tax is a lien, in the same manner and with the same authority as sales on execution for Sheriff, and return said warrant, with his doings thereon, within thirty days after the receipt thereof by him. If, for any reason, the whole amount thereof shall not be collected, said Board may issue, with like effect, a subsequent warrant or warrants until all be collected.

**Payment of damages.** Article Seven. As soon as money enough for the purpose is received from said tax, said Board shall direct the Marshal to pay or tender to each party to whom damages have been awarded the sums severally due them, and thereupon to proceed forthwith and open said street or other improvement, and the same shall thereupon be deemed to be open to public use for the purpose and to the extent in the original resolution prescribed. If any person or party entitled to damages cannot be found by said Marshal, he shall deposit the amount due to them in the town treasury as a special deposit subject to their order, and the same shall be deemed a sufficient payment under this Act. The money so deposited shall not be drawn or used for any other purpose whatever.

**Moneys collected; where paid.** Article Eighth. All moneys collected under this section shall be paid into the town treasury as a special fund for the purpose for which they were collected, and shall not be drawn out or used for any other purpose whatever.

**Right of engineer and Commissioners to go on land.** Article Ninth. The engineer aforesaid, and the Commissioners to be appointed as herein proscribed, shall each have the right to go in or upon any property for the purpose of making the survey and examination above mentioned, or for any other purpose necessary in the discharge of their duties under this Act. Said Commissioners shall each be entitled to three dollars for the first day and two dollars for each subsequent day devoted to their duties as such Commissioners; and they shall not receive any other fees or compensation for such services.

**Power of Board to order improvements** SEC. 17. The Board of Trustees of the Town shall have power and are hereby authorized to order the whole or any portion of the public streets, lanes, alleys, places, courts, and public grounds of the town, graded or regraded, curbed or recurbed, macadamized or remacadamized, paved or repaved, and to order sidewalks, crosswalks, culverts, sewers, cess-pools, man-holes, and hydrants constructed therein, and to order any other work done which shall be necessary to make, and complete, and keep the same in good repair, and to order the public streets, and sidewalks, and public grounds kept free from grass and weeds, and to order shade trees planted and taken care of along the line of the public streets and in the public grounds; and the costs of making such improvements shall be made a lien upon the lots and lands fronting upon the streets where such improvements shall be made and contiguous thereto, as specified in the succeeding sections of this Act.

SEC. 18. Article One. The Board of Trustees may order

any of the work authorized by section seventeen of this Act to be done, and furnish plans and specifications for the same, after notice of their intention so to do, in the form of a resolution describing the work, and signed by the Clerk of said Board, has been posted on three town bulletin boards for at least five days, and by one insertion in some newspaper, if there be one, published within the town. After the posting, and before the expiration of such notice, all owners of lands and lots, or portions of lots fronting on said proposed improvements, who may have objections to any of the subsequent proceedings of said Board in relation to the work mentioned in such notice of intention, may file with the said Clerk a remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object. Such remonstrances shall be passed upon by said Board, and their decision shall be final. But if such remonstrance shall represent a majority of the frontage on the proposed improvements, and shall have been filed with the said Clerk previous to the expiration of said notice, then it shall be a bar to any further proceedings in relation to said work for a period of six months, unless the owners, as aforesaid, shall sooner petition for the same to be done.

Notice of intention to be published.

Remonstrances.

Article Two. When the Board of Trustees shall have ordered improvements made, as provided in the preceding Article, they shall set a time in which the owners or occupants of lands and lots fronting on the street where the improvements are ordered made may make the same in front of their respective lots and premises, in accordance with the plans and specifications furnished therefor by said Board. But if any such improvements are not made by such owners, as hereinafter provided, the said Board of Trustees shall cause notices, signed by the Clerk, to be posted forthwith on the town bulletin boards for at least five days, and also be inserted one time in some newspaper, if there be one published in the town. Said notice shall describe the improvements to be made, and the time within which sealed proposals will be received by said Clerk for the making of said improvements, in accordance with the plans and specifications therefor. At the time specified in said notice the Board of Trustees, in open session, shall open and examine all bids which have been received by the Clerk, and publicly declare the same, and award the work to the lowest responsible bidder; *provided*, they may reject any or all bids, as the public good may, in their opinion, require, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with the town; and if all bids are rejected the Clerk shall readvertise as aforesaid.

Time to be set for making improvements.

Opening of bids.

Article Three. When the Board of Trustees shall have awarded the making of any improvements as aforesaid, it shall be the duty of the Town Marshal to forthwith enter into a contract, in the name of said town, and as their agent, with the successful bidder, for the making of the improvements as advertised for, and according to the plans and specifications therefor, and at the price named in the award of said Board; said contract to specify the rate per front foot,

Duty of Marshal upon award given.

and the cost of each separate street crossing, including all work the full width of both streets in said crossings; and all contracts made therefor must contain this condition and express notice, that the town will in no case be liable for any portion of the expense, nor for any delinquency of persons and property. Said Marshal shall require of the contractor a good and sufficient bond, executed to the said town as obligee therein, for the completion of the work as specified in the said contract; said bond to be approved by the said Board of Trustees, and until so approved the contract shall not be valid.

Contractor  
to give bond.

Expense  
assessed  
upon what.

SEC. 19. Article One. The expense incurred for any work authorized by section eighteen of this Act shall be assessed upon the lots and lands fronting thereon, except as hereinafter provided specially, each lot or portion of a lot being separately assessed in proportion to its frontage, at a rate per front foot sufficient to cover the total expense of the work, except as provided in the succeeding Articles of this section; and provided also, that the Board of Trustees may, in their judgment, order a portion of the expenses paid out of the town treasury, and the balance assessed as aforesaid.

Same.

Article Two. The expense of all work done on street crossings shall be assessed upon the four quarter blocks adjoining and cornering upon said crossing, and each lot or portion of a lot fronting upon both such streets shall be separately assessed in proportion to its frontage on one or both streets, at a rate per front foot sufficient to cover the total cost of the said crossing.

Same.

Article Three. When a street terminates in another street, the expense of work done on one-half of the width of the street adjoining the termination shall be assessed upon the two quarter blocks cornering on the same, according to the frontage of said lots on said streets, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street opposite such termination.

Assessor to  
make as-  
sessment.

SEC. 20. Article One. After the contractor of any street work has fulfilled his contract to the satisfaction of the Town Marshal and Town Engineer, or of the said Board of Trustees, on appeal, it shall be the duty of the Town Assessor to forthwith make an assessment to cover the sum due for the work performed and specified in said contract, including the expense of engineering, in conformity with the provisions of section nineteen of this Act, according to the character of the work done; or, if any directions or decisions shall be given by said Board of Trustees on appeal therein, then in accordance with such directions or decisions, which assessment shall briefly refer to the contract and to the work contracted for and performed, and shall show the amount to be paid therefor, together with the cost of engineering, if any, the rate per front foot assessed, and the amount of each assessment, the name of the owner of each lot or portion of a lot (if known to the Assessor); if unknown, the word "unknown" shall be written opposite the number of the lot, and the amount assessed thereon, and the number of each

lot or portion of a lot assessed, and when the said assessment shall have been completed, the said Assessor shall certify to the correctness of the same, and deliver said assessment to the Town Clerk.

Article Two. The Clerk, upon the receipt of the assessment aforesaid, shall forthwith post notices on three town bulletin boards, in which he shall state on what portion of any street work has been done, to pay for which the assessment has been levied, that the assessment can be seen at his office, and that the Board of Trustees will meet on a day named (which day shall not be less than five nor more than ten days from the posting of such notices) to hear any appeal that any person directly interested in the work performed, or the assessment made, may make in writing. After examining any objections or complaints that may be brought before them on appeal, in regard to the aforesaid assessment, the Board of Trustees may correct, alter, or modify such assessment in such manner as to them may seem just, and direct the Assessor to make such corrections, alterations, or modifications. All the determinations and decisions of said Board, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to an appeal under the provisions of this section.

Clerk to post notices upon receipt of assessment.

Article Three. After the assessment shall have been approved by the Board of Trustees as aforesaid, the Clerk shall hand the same over to the Town Marshal so made up and approved. The Marshal, upon receipt of the said assessment, shall forthwith attach thereto a warrant, which shall be signed by the Marshal, and countersigned by the Board of Trustees; the said warrant to be substantially as follows: By virtue hereof, I (name of Marshal), Marshal of the Town of Berkeley, County of Alameda, and State of California, by virtue of the authority vested in me as said Marshal, do authorize and empower (name of contractor), his or their agents or assigns, to demand and receive the several assessments upon the assessment hereto attached, and this shall be (his or their) warrant for the same. (Name of Marshal), Marshal of the Town of Berkeley. Countersigned (name of President of the Board), President of the Board of Trustees. Said warrant and assessment shall be recorded by the Marshal; when so recorded, the several amounts assessed shall be a lien upon the lands and lots, or portions of lots, assessed, respectively, for the period of two years from the date of recording, unless sooner discharged; and from and after the date of recording said warrant and assessment all persons mentioned in Article One of this section shall be deemed to have notice of the contents of the record thereof. After said warrant and assessment are recorded the same shall be delivered to the contractor, or his agent or assigns; on demand, and by virtue of said warrant, said contractor, or his agent or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contract and assessments.

Form of warrant of Marshal.

Warrant and assessments to be recorded.

Article Four. The contractor, or his assigns, shall call upon the persons so assessed, or their agents or assigns, if

Payment of assessments.

they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, or his agents or assigns, shall receipt the same upon the assessment in presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the persons so assessed cannot conveniently be found, or whenever the name the owner of the lot is stated as unknown in the assessment, then the said contractor, or his agent or assigns, shall publicly demand payment on the premises assessed. The warrant and assessment shall be returned to the Marshal within thirty days after the date of the warrant, with a return indorsed thereon, signed by the contractor, or his agent or assigns, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof: whereupon the Marshal shall record the return so made in the margin of the record of the warrant and assessment, and shall sign the record.

Unknown  
owners.

Return of  
warrant

Assessments  
when delin-  
quent.

Suit may be  
brought;  
where.

Redemption  
of premises.

Article Five. After the expiration of thirty days from the date of the warrant and assessment aforesaid, and after the Marshal shall have recorded the return, as specified in the preceding Article, the several assessments therein remaining unpaid shall be deemed delinquent, and five per cent. shall be added thereto, and the contractor, or his agent or assigns, may, at any time during the continuance of the lien of said assessment, sue, in his own name, the owner of the lands, lots, or portions of lots assessed, and recover the amount of any assessment and percentage aforesaid remaining due and unpaid. Such suit may be brought in any Court in said town and county having jurisdiction of the amount for which suit is brought; said Courts are hereby clothed with jurisdiction to hear and determine such action. The said warrant, and assessment, and non-payment shall be prima facie evidence of such indebtedness, and the right of the plaintiff to recover in the action. If suit be commenced in a Justice's Court, the action may be brought and judgment rendered against the owner of the lands and lots, or portion of lots, liable for such assessment, or said contractor may bring an action in the District Court of said county to foreclose the lien of said assessment, and may obtain a decree for the sale of such premises; and such decree shall provide for a counsel fee of twenty-five dollars, to be paid to such contractor or his attorney out of the proceeds of such sale, in addition to such assessments and costs. Such premises, if sold, may be redeemed as in other cases, but all claims against the same person or persons assessed, with or without unknown owners, shall be included in one and the same action, and in case this provision is violated, the pendency of any such actions may be pleaded in abatement or bar of the others, respectively. In all suits brought to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act, and also, when not in conflict herewith, by the Code of Civil Procedure of this State.

Article Six. Should the owners or occupants of lands or



lots fronting on the street where improvements are ordered elect to make the same in front of their respective premises, as provided in Article Two of section eighteen of this Act, they shall proceed to make the same within ten days after notice, in writing, shall be served upon them by the Marshal of said town, personally, or if they cannot be found, so that the same may be delivered to them personally, then by such notice, in writing, to be conspicuously posted on the premises; said notice shall specify what notice or work is required. After ten days, the Board of Trustees shall be deemed to have acquired jurisdiction to contract for the doing of the work or making the improvements required by said notice, if such improvements be not commenced within ten days after the notice given as aforesaid, and diligently prosecuted to completion, and then the said Board of Trustees may declare such facts, by resolution of the Board introduced at a regular meeting, and passed at a subsequent regular meeting, and contract for the performance or completion of any or all such work remaining undone or uncompleted, in the same manner and with the same effect as is hereinbefore provided in section eighteen and the other sections of this Act subsequent thereto.

Making of improvements after serving of notice.

Article Seven. If the expense of the work and materials for such improvements, after the completion thereof, be not paid to the contractor, or his agent or assigns, on demand, the said contractor, or his agent or assigns, shall have the right to sue the owner, under the provisions of this Act, for the amount contracted to be paid; and the certificate of the Marshal that the work has been properly done, and that the charges for the same are reasonable and just, shall be prima facie evidence of the amount claimed for said work and material, and the right of the contractor to recover the same in such action.

Owner sued upon non-payment of expenses.

Article Eight. In addition, and as cumulative to the remedies above given, the Town Trustees shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable therefor, for neglecting or refusing to make improvements when required, as provided in Article Six of this section, which fines and penalties shall be recovered by prosecution in the name of the people of the State of California, in the Court having jurisdiction thereof, and may be applied, if deemed expedient by said Trustees, in payment of the expenses of any such improvements, when not otherwise provided for.

Power of Trustees to prescribe penalties.

Article Nine. Any tenant, occupant, or lessee of the lands or lots liable for the costs of such improvements may pay the amount assessed against the property of which he is the tenant, occupant, or lessee, under the provisions of this Act, or he may pay the price agreed upon to be paid, under the provisions of this section, either before or after suit brought, together with cost, to the contractor, or his agent or assigns, or may redeem the property, if sold on execution or decree, for the benefit of the owner, within the time prescribed by law, and deduct the amount so paid from the rents due or to become due from him; and for any sum so

Payment of cost of improvements may be made when by tenants.

paid, beyond the rents due from him, he shall have a lien upon and may retain possession of the said lands and lots until the amount so paid and advanced be satisfied, with legal interest, from accruing rents, or by payment by the owner.

Duty of  
Marshal.

Article Ten. The Marshal shall keep, in a book for that purpose, a record of all street work that shall be done, and for the recording of all street assessments, as provided in this Act, and shall superintend the making of all improvements of the streets, sidewalks, and public grounds ordered by the Trustees to be done, and require all contractors to faithfully comply with the terms of their contract before the work shall be accepted by him. He shall also see that the laws, orders, and regulations relating to the streets, highways, and public grounds be fully carried into execution, and that the penalties for non-compliance therewith are rigidly enforced. It is required that he shall keep himself informed of the condition of all public streets and highways, and also of all public buildings, parks, lots, and grounds of said town; and should the Marshal fail to see the laws, orders, and regulations aforesaid carried into execution, after notice from any citizen of non-compliance therewith, or violation thereof, the said Marshal and his sureties shall be liable, upon his official bond, to any person injured in his person or property in consequence of such official neglect; and he shall also be liable to the Board of Trustees, upon his official bond, if he shall accept any contract work, in his official capacity, before the same shall have been completed in accordance with the plans and specifications for the same, in a sum sufficient to complete such work, as specified.

Road Fund;  
road law.

SEC. 21. The Road Fund shall be used as the Board of Trustees may, by ordinance, direct, toward the improvement and repair of the public highways as at present defined, and for such other road purposes as may not be inconsistent with the provisions of this Act.

Contractors  
of debt.

SEC. 22. Neither the Board of Trustees, nor any officers or authority, shall have power to contract any debt against said town, and no person or property therein shall ever be liable to be assessed, or be subject to taxation in any form, to provide for the payment of any debt hereafter contracted, or any claim against the town, except such legal and proper expenses thereof as shall accrue after the commencement of the year for which the tax shall be levied, and no part of the moneys levied and collected by taxation, for any one year, shall ever be applied toward the payment of any expenses, debt, or liability, incurred during any preceding year. The Board of Trustees shall not contract any liability or debt without there be money in the treasury to pay the same.

SEC. 23. All moneys received by the Treasurer of the County of Alameda on account of the School Fund of the Town of Berkeley, or Berkeley School District, and all sums received into the county treasury which may be apportioned to said town or district, shall be paid to the Treasurer of said town by the Treasurer of said county as soon as received, or

as soon as the apportionment shall be made, when apportionment is necessary.

SEC. 24. No Trustee, or School Director, or officer shall, by himself, agent, or partner, be directly or indirectly interested in any contract made by or with the said town, or in any purchase or expenditure made by or for the said town; nor shall any such Trustee, or School Director, or officer, by himself, agent, or partner, act as the attorney, agent, or advisor, of any contractor for street or other work with said town, or receive from said contractor any fee, reward, or gift; and any violation of the provisions of this section is hereby declared to be a misdemeanor, and on conviction thereof, in a Court of competent jurisdiction, the offender shall be punished by a fine of not less than two hundred and fifty nor more than one thousand dollars, or by imprisonment in the Jail of the County of Alameda not less than six months nor more than two years, and shall also be liable in a civil action to any person who may be pecuniarily aggrieved by the malfeasance aforesaid; and the Board of Trustees shall declare the office of such offender to be forfeited, and shall fill the vacancy in the manner hereinafter provided.

Officers to be disinterested in contracts.

Misdemeanor

SEC. 25. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all the members elected.

SEC. 26. The Board of Trustees shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessment, and after ten days' notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they, or a majority of them, shall deem just and proper. Said meetings shall be held for such length of time as the Board of Trustees shall, by ordinance, fix. Said Board shall not sit as a Board of Equalization after the third Monday of September, and on that day they shall levy upon the assessed valuation of the property of said town the rate of taxation upon each one hundred dollars of valuation, which shall be entered upon their minutes. They shall then deliver to the Town Clerk the assessment roll, who shall compute and carry out the amount of tax so levied upon each parcel or property in said assessment roll contained, and shall deliver said assessment roll, so made out and duly certified to, to the Town Marshal for collection, on the first Monday of October.

Board of Equalization.

SEC. 27. The Marshal, Assessor, Clerk, and Treasurer, before entering upon the duties of their office, shall take the oath of office as prescribed by law, and also give a bond, with sureties, to be approved by the Board of Trustees of said town, payable to the Town of Berkeley, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their office, as required by law. Should the bond of any town officer become insufficient, he shall be required to give such additional security, within ten days, as the Board of Trustees may require, not

Officers to take oath and give bond.

exceeding the amount fixed by ordinance. Upon his failure to do so, at the time fixed, his office shall be declared vacant, and such vacancy shall be filled by appointment of the Board of Trustees.

Vacancies;  
how filled.

SEC. 28. If any vacancy shall occur in any of the offices created by this Act, they shall be filled by appointment of the Board of Trustees. Should any of the officers herein mentioned fail to qualify and give the bond required, for the period of ten days after receiving notice of their election, the office shall be deemed vacant, and the same shall be filled as provided in this Act. The official bond of every officer named in this Act shall be filed with the President of the Board of Trustees.

Demands  
entitled to  
payment  
upon what  
only.

SEC. 29. All demands that shall lawfully arise against the town, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to and allowed for such an amount as shall be deemed just by the Board of Trustees; and no bill, demand, or warrant shall be paid out of the town treasury, unless the same be allowed by the Board of Trustees, signed by the President of said Board, and countersigned by the Clerk; *provided*, that all demands or warrants upon the School Fund may be signed by the President of the Board of Education, countersigned by the Clerk.

Duty of  
Clerk.

SEC. 30. It shall be the duty of the Town Clerk, in addition to any duties required of him by the Board of Trustees, to attend all meetings held by said Board, and keep a correct journal of their proceedings; and on receiving the official returns of the charter elections held, shall, without delay, after the result of the election has been declared by the Board of Trustees, issue certificates of election to the persons elected; and he shall receive such compensation for his services as said Board of Trustees may, by ordinance, fix; and for a failure to comply, shall be liable to all such penalties as are herein set forth, and be subject to removal from office and forfeiture of his official bond as Town Clerk. The Town Clerk shall keep a book, to be entitled "Register of Papers Filed," in which he shall enter in the order of the date of filing, respectively, a brief note of the filing of all papers, maps, surveys, diagrams, assessments, or other matters filed in his office, and of the contents of the same, and by whom presented for filing; nor shall he file in his office any of his such matters without indorsing upon the same the date of filing, attested by his official signature.

Duty of  
Town Mar-  
shal.

SEC. 31. It shall be the duty of the Town Marshal, in addition to any duties required of him by the Board of Trustees, and he is hereby authorized to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of a violation of the same, to collect all taxes and licenses that shall at any time be due said town, to receive the tax list, and upon receipt thereof to proceed and collect the same at the time and in the manner as may, by ordinance, be provided; the said Marshal being hereby vested with the same powers to make collections of taxes as are or shall be conferred upon the Tax Collectors for the collection of State and

county revenue; and it shall be the duty of said Marshal to collect, in the same manner, any tax list placed in his hands for that purpose, without any unnecessary delay, and pay all taxes to the Town Treasurer monthly, taking his receipt therefor. Said Marshal shall receive such compensation for his services, rendered under the provisions of this Act, as the Board of Trustees may, by ordinance, fix. He shall have the same power in all civil and criminal cases, within the limits of said town, as Constables have within the respective townships for which they are elected, and be entitled to the same fee; and for failure to comply with the duties required of him shall be liable to all such penalties as are herein set forth, and subject to removal from office.

Compensation.  
Power of  
Marshal.

SEC. 32. It shall be the duty of the Town Treasurer to receive and safely keep all moneys that shall come into the town treasury, and pay out the same on the order of the Board of Trustees, countersigned by the President and Clerk; or, if from the School Fund, upon the order of the Board of Education, signed by the President, and countersigned by the Clerk, and take receipts therefor, and to perform such other duties as may be required of him by said Board of Trustees; and shall make out a quarterly statement of his receipts and expenditures, verified by his oath, and file the same with the Town Clerk, and at the end of his official term shall deliver over to his successor in office all moneys, books, papers, other property in his possession belonging to the town.

Duty of  
Treasurer.

SEC. 33. It shall be the duty of the Town Assessor, in addition to any duties required of him by the Board of Trustees, between the second Monday in May and the first Monday in August of each year, to make out a true list of all taxable property within the limits of said town, which list, certified by him, shall, on the third Monday of August, be by him placed in the hands of the Board of Trustees for equalization. The mode of making out such list and ascertaining the value of the property shall be the same as that prescribed by law for assessing State and county taxes; and also make assessment for street work, as provided in this Act. And the Assessor shall receive for his services such sum as shall be fixed by ordinance. No levy of taxes shall be made upon real and personal property within the limits of the town by the Board of Supervisors of Alameda County for road purposes, and no taxes shall be collected by the Tax Collector of said county on property situate within said town for such purposes. Said Clerk, Marshal, and Assessor shall have power the same to administer and certify to an oath as has a Justice of the Peace.

Duty of  
Assessor.

SEC. 34. Town taxes shall be collected in the same manner that State and county taxes are collected within the County of Alameda; *provided*, that the publication of the delinquent tax list shall be made in some newspaper published within said town, if there be one; if there be none, then in some newspaper published within said county; *provided*, all sales for delinquent taxes shall be made in front of the Town Hall, and by the Town Marshal.

Manner of  
collecting  
town taxes.

Appoint-  
ment and  
duty of  
Attorney.

SEC. 35. The Board of Trustees of said town may appoint a Town Attorney, to hold office during the pleasure of said Board, whose duty it shall be to prosecute all suits brought in behalf of the town, and to defend all suits brought against it, and to do such other duties as the Board of Trustees may direct, and whose compensation shall be such sum as said Board may determine.

Jurisdiction  
of Justices.

SEC. 36. The Town Justices of the Peace shall have the same jurisdiction, and the Constables shall have the same powers within the limits of said town, in all civil and criminal cases, as any other Justice and Constable has within the township for which he is elected.

Taxes, etc ;  
payable in  
what.

SEC. 37. All taxes, assessments, and fines, payable to the town treasury, and the cost of the improvements on any sidewalk, street, or other town improvement, shall be payable only in gold and silver coin of the United States.

Power and  
duty of  
President of  
Board.

SEC. 38. The President of the Board of Trustees shall preside at all meetings of said Board when he shall be present; and in the absence of the President the Board may appoint one of their number to act as President pro tem., and for their services said Trustees and President shall receive no compensation. The acting President of the said Board of Trustees shall have the power to administer oaths and affirmations concerning any demand upon the town treasury other than for school purposes, and to witnesses examined in any investigations had by said Board, or by a committee thereof duly appointed by it for that purpose. He may issue subpoenas under his hand and the seal of said town to compel the attendance of such witnesses, who shall be entitled to the same fees as witnesses in civil cases, and may be punished for contempt for non-attendance or refusal to be sworn, or to answer, by the County Judge, in the same manner as witnesses duly summoned are authorized by law to be punished in the respective case by the County Court.

Style of  
ordinances.

SEC. 39. The style of the ordinances of the Town of Berkeley shall be: The Trustees of the Town of Berkeley do ordain as follows.

SEC. 40. The Town Trustees are hereby authorized to procure the necessary books for the official records of the town.

Action to be  
taken by  
claimants  
of land.

SEC. 41. Any person claiming to be the owner of any lands situated in said town may file with the Town Clerk an affidavit, taken before any officer authorized to take affidavits, specifying the lands so claimed, by such person, and designating some person, resident in said town, as his agent, on whom any of the notices specified in this Act may be served, and if such affidavit be filed, and the owner of the respective land cannot be personally served, then, in addition to posting such notice on the respective lands, as hereinbefore provided, the same shall be personally served on such designated agent, if he can be found after diligent search. No service by posting on the respective lands, as provided in this Act, shall be of any avail for any purpose, unless the Town Marshal shall file an affidavit with the Town Clerk, attached to a copy of such notice, stating the time and mode

of such posting, and also that previous to such posting he made diligent search without success to find the owner of the respective lands in order to make personal service of such notice. No assessment against unknown owners, as authorized by this Act, shall be valid unless the person making the same shall add at the end of the assessment roll his affidavit, in writing, subscribed by him, and attested by an officer authorized to take affidavits to be used in Courts of record, to the effect that he has in all cases searched diligently for the owners of the respective lands described in such assessment, and has always assessed such lands to such owners when they could be ascertained.

Assessment  
against  
unknown  
owners  
invalid ex-  
cept when.

SEC. 42. In any action brought to recover any claim for work done on any public improvement, as provided in this Act, the defendant may plead in bar of the same that the respective work was not done as prescribed by the contract, and the acceptance of the work, by the Town Marshal, or Board of Trustees, shall be only prima facie evidence for the plaintiff.

SEC. 43. This Act shall take effect and be in force from and after its passage.

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CHAP. DLXVI.—[See volume of *Amendments to the Codes.*]

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CHAP. DLXVII.—*An Act in relation to certain swamp land in the County of Sacramento.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All that portion of the County of Sacramento, bounded and described as follows, viz.: Beginning on the township line at the southeast corner of the northeast quarter of section one, in township five north, range four east, of Monte Diablo base and meridian; thence west through the center of sections one and two of said township to the east boundary line of Reclamation District Number Two Hundred and Five (205); thence in a northwesterly direction along said boundary of District Two Hundred and Five (205) through the northwest quarter of said section two (2) to a point one and eighty-eight one-hundredths (1.88) chains east of the southeast corner of section thirty-four (34), in township six (6) north, range four (4) east; thence west one and eighty-eight one-hundredths (1.88) chains to the southeast corner of said section thirty-four (34); thence north eighty (80) chains to the northeast corner of said section thirty-four (34); thence west fifty-six (56) chains, more or less, to the

Reclamation  
district de-  
clared and  
boundaries  
defined.

Reclamation  
district de-  
clared and  
territories  
defined

southeast corner of swamp land survey number two hundred and seventeen (217) of Sacramento County; thence north fifty-three degrees (53°) west along the line of said survey two hundred and seventeen (217) forty-five (45) chains to the slough separating Rand Allis [Randall's] Island from the main land; thence up said slough to the Sacramento River; thence up the Sacramento River to the north line of survey number one hundred and forty-four (144), in the southeast quarter of section eleven (11), township seven (7) north, range four (4) east; thence in a northwesterly direction along the north line of said survey one hundred and forty-four (144) to east boundary of survey number ninety-two (92); thence north to the northwest corner of said survey ninety-two (92); thence east one hundred and forty (140) chains to the northeast corner of the northwest quarter of the southwest quarter of section eight (8), in township seven (7) north, range five (5) east, said point being the northeast corner of survey number two hundred and ninety-one (291); thence south forty (40) chains; thence east twenty (20) chains; thence south one hundred (100) chains; thence west sixty (60) chains; thence south forty (40) chains; thence west twenty (20) chains; thence south sixty (60) chains; thence west twenty (20) chains; thence south two hundred and twenty (220) chains; thence east twenty (20) chains; thence south one hundred and twenty (120) chains; thence west twenty (20) chains; thence south forty (40) chains; thence east twenty (20) chains; thence south twenty (20) chains; thence west forty (40) chains; thence south forty (40) chains; thence east twenty (20) chains; thence south twenty (20) chains; thence east forty (40) chains; thence south twenty (20) chains; thence west forty (40) chains; thence south twenty (20) chains; and thence west twenty (20) chains to the township line between township six (6) north, range four (4) and five (5) east; thence south along the township line one hundred and forty (140) chains to the place of beginning, containing sixteen thousand six hundred thirty-four and fifty-eight one-hundredths (16,634.58) acres, is hereby constituted and declared to be a reclamation district of the State of California, to be known and designated as Reclamation District Number Two Hundred and Fifty-four (254); *provided*, that if the boundary line of the district herein provided for should conflict with the boundary line of Reclamation District Number Two Hundred and Five (205), then and in that case the boundary line of said Reclamation District Number Two Hundred and Five (205) shall govern and control, and the boundary line of the district herein provided for shall be changed to correspond with the boundary line of said Reclamation District Number Two Hundred and Five (205).

Powers  
of said  
district.

SEC. 2. The lands embraced within said boundaries, and the owners thereof, shall hereafter, for all purposes of reclamation and of the protection of said lands from overflow by water, be a body politic and corporate, under the name of Reclamation District Two Hundred and Fifty-four, under which name it may control, sue and be sued, and possess, exercise, and enjoy all the powers which are now possessed



or which may hereafter be possessed by any reclamation district formed under the general laws of this State. The duties and powers of the Trustees of said district shall be the same as are, from time to time, proscribed and conferred by the Political Code of this State on the Trustees of other reclamation districts.

Duties and powers of Trustees.

SEC. 3. The land owners of said district may, from time to time, adopt and amend by-laws for their government, in the manner proscribed in the Political Code.

Adoption of by-laws.

SEC. 4. C. W. Clark, William Johnston, and Joseph Sims are hereby appointed and declared to be the Trustees of said district; they shall hold their offices for two years, whereupon the land owners in said district shall, in the manner provided in their by-laws, elect three Trustees for the government of the district and the management of its affairs.

Trustees appointed.

SEC. 5. The Trustees of said district, in case they can advantageously use, for the purposes of reclamation, any work heretofore done, and for which no payment has been made, may, in their discretion, allow to the persons who caused such work to be done, and paid for it, a fair and just compensation therefor, to be paid for in the same manner as other work done for the district; *provided*, that if any levees are accepted and paid for by said Trustees, all the levees within said District No. Two Hundred and Fifty-four protecting said district shall be valued, accepted, and paid for by said Trustees, in manner as above provided.

Compensation allowed to certain persons for work done.

SEC. 6. Except as herein otherwise provided, said district and its officers shall be controlled by the Political Code of this State, and shall possess all the powers given by that Code to other reclamation districts and their officers.

Control of district

SEC. 7. This Act shall be in force from and after its passage.

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CHAP. DLXVIII.—[See volume of *Amendments to the Codes*.]

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CHAP. DLXIX.—*An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries and provide for its government.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That part of the County of Sacramento, in the State of California, embraced within the following boundaries, to wit: Commencing on or near the east bank of the Sacramento River, at a point on the east bank of the Sacramento River twenty-five chains below the west end of

Reclamation district declared and boundaries defined.

the Pierson Levee; thence running in a northeasterly direction to the highest point on the mound commonly known as the Odell Mound; thence following the line of said mounds northerly to the southeasterly corner of the said Pierson Levee, on the Snodgrass Slough; thence northerly and northwesterly parallel with said levee, and one hundred feet easterly from the easterly base thereof, to Hensley Slough, near the upper end of Randall Island; thence down said slough and the Sacramento River at low water mark to a point opposite the place of beginning, and thence to the place of beginning, is hereby constituted a reclamation district of said State, to be hereafter known as "Reclamation District Two Hundred and Five."

Powers  
given to  
district.

SEC. 2. Said part of Sacramento County, and the owners of the lands therein, shall hereafter, for all the purposes of reclamation and of the protection of said lands from overflow by water, be a body politic and corporate, under the name of "Reclamation District Two Hundred and Five," under which name they shall hereafter make contracts, and shall sue and be sued; and they shall also possess all the powers that are now possessed or which may hereafter be possessed by any reclamation district formed under the general laws of this State.

Election of  
Trustees.

SEC. 3. On the first Monday in each month of May, after the passage of this Act, the land owners of said district shall elect from their number three Trustees for its government, who shall hold their office until their successors are duly elected. In the election of Trustees, each land owner shall be entitled to one vote for each acre of land owned by him, and the three persons receiving the highest number of votes shall be declared elected. The Board of Supervisors of the County of Sacramento shall designate the place where the first election under this Act shall be held, and appoint the officers thereof. The duties and powers of the Trustees of said district shall be the same as are, from time to time, prescribed and conferred by the Political Code of this State on the Trustees of other reclamation districts.

Powers and  
duties of  
Trustees.

Adoption of  
by-laws.

SEC. 4. The land owners of said district may, from time to time, adopt and amend by-laws for its government, in the mode prescribed by the Political Code.

Action for  
condemnation  
of certain  
lands.

SEC. 5. As soon as practicable, the Trustees shall cause an action to be commenced in the District Court of said county, in the name of said reclamation district, for the condemnation of such lands as may be necessary for the construction and maintenance of proper levees for the reclamation of said district. By such action, the levees now built in said district may be condemned for the use of the district, and if so condemned, there shall be awarded to each of the owners thereof such sum as the levee owned by him is reasonably worth for the purposes of reclamation, except as herein otherwise provided. Title Seven, of Part Three, of the Code of Civil Procedure of this State, shall constitute the rules of proceeding and decision in such action. The district shall have three months, after final judgment in such action, to pay the sums of money awarded by the Court

Time  
allowed for  
payment of  
award.

to the owners of the property condemned. The moneys requisite to pay such awards may be levied, assessed, and collected in the manner provided by law for the raising of funds to pay for other works or expenses of reclamation.

SEC. 6. Except as herein otherwise provided, said reclamation district and its officers shall be controlled by the Political Code of this State, and shall possess all the powers by that Code given to other reclamation districts and their officers.

District controlled by wharf.

SEC. 7. This Act shall be in force from and after its passage.

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CHAP. DLXX.—*An Act to provide for the improvement of the State Capitol grounds.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of the General Fund, in the State treasury, for the improvement of the avenues and walks leading to and about the grounds of the State Capitol; said improvement to be conducted under the direction of the State Capitol Commissioners, in such manner as their judgment dictates.

Appropriation authorized.

SEC. 2. This Act takes effect immediately.

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CHAP. DLXXI.—*An Act relative to the Board of Supervisors of Sacramento County.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the County of Sacramento must audit and allow all claims and indebtedness of any kind or character, not to exceed the sum of \$2,100, incurred for levee repairs and wing dams, made under the superintendence of Daniel Flint, in the years 1877 and 1878, between the City of Sacramento and the Town of Freeport, prior to the 8th day of February, 1878.

Allowance of certain claims.

SEC. 2. As soon as such allowance is made, the Auditor of said county must draw his warrant on the Treasurer of said county, in favor of the claimants, respectively, for the amounts allowed, and the Treasurer of said county must pay the same, upon presentation, out of any moneys in the General Fund in said county.

SEC. 3. This Act shall be in force and effect from and after its passage.

CHAP. DLXXII.—*An Act to amend an Act entitled "An Act for the relief of purchasers of State lands," approved March 27th, 1872.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Title to  
lands vested  
in appli-  
cant; when.

Proviso.

SECTION 1. Section one of said Act is hereby amended so as to read as follows: Section one. When application has been made to purchase lands from this State, and payment made to the Treasurer of any county of this State, in whole or in part, and a certificate of purchase, or a patent, has been issued to the applicant, the title of the State to said lands is hereby vested in said applicant, or his assigns, upon his making full payment therefor; *provided*, that no other application has been made for the purchase of the same lands prior to the issuance of said certificate of purchase; *provided further*, that this Act shall not apply to school lands, except to the amount of three hundred and twenty acres to any one purchaser, nor shall it be construed to remedy any defect in any application, or the issuing of any certificate other than that of payment in the wrong county, nor otherwise to conflict with or limit the provisions of the Act hereby amended.

SEC. 2. This Act shall take effect from and after its approval by the Governor.

CHAP. DLXXIII.—*An Act to amend an Act entitled, "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District Number One, of Sutter County," approved March 20th, 1874.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Boundaries  
of district  
defined.

SECTION 1. Section one of said Act is hereby amended so as to read as follows: Section one (1). Said Levee District Number One shall be bounded as follows: Commencing at a point on the levee built by said district where the southern boundary of said district intersects the levee; thence north-  
erly along the line of said levee, following the meanders thereof, to the northern boundary of Schuessler's vineyard, on the south side of Yuba City; thence east along the north-  
ern boundary of said vineyard to the bank of Feather River; thence northerly up the bank of said river to the Feather River bridge; thence northerly along the line of the levee to the northern boundary line of section number ten, town-  
ship number fifteen north, range three east, Mount Diablo meridian; thence west to the northwest corner of said section number ten; thence south to the northeast corner of section number twenty-one; thence west to the northeast

corner of section number twenty; thence south to the southeast corner of said section number twenty; thence west to the northwest corner of section thirty; thence south to the northeast corner of section twelve, of township fourteen north, of range two east, of said meridian; thence west to the northwest corner of section eleven; thence south to the southwest corner of section twenty-three; thence east three-fourths of a mile; thence south three miles; thence east one-fourth of a mile to the northeast corner of eleven, in township thirteen north, range two east; thence south one-half mile; thence east one mile to township line between range two and three; thence south one-half a mile; thence east one mile to the southeast corner of section seven, in township thirteen north, range three east; thence south one mile to the northwest corner of section twenty; thence east one mile; thence south one mile; thence east to the place of beginning.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DLXXIV.—*An Act for the relief of A. D. Splivalo, J. H. Coleman, and Juan de Toro.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That Augustus D. Splivalo, J. H. Coleman, and Juan de Toro, of the City and County of San Francisco, State of California, be and they are hereby released and relieved from all liability on a certain bail bond, in the sum of five thousand dollars, payable to the people of the State of California, dated and approved March 10th, 1873, and conditioned for the appearance of one Augusto Ducommun in whatever Court the charge in said bail bond mentioned should be prosecuted.

SEC. 2. That Act shall take effect from and after its passage.

CHAP. DLXXV.—*An Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered to cut, and fill, and grade to the official grade, as here-

Release  
from liability  
granted.

Board  
authorized  
to make  
certain im-  
provements.

after established by said Board, and macadamize and culvert the following streets, avenues, and portions thereof, in said city and county, to wit: Pennsylvania Avenue, from its intersection with Seventh Street to its intersection with Tulare Street; Islais Street, from its intersection with a line formed by the prolongation southerly of the westerly line of Pennsylvania Avenue to its intersection with R Street; R Street, from its intersection with Islais Street to its intersection with Twentieth Avenue; Twentieth Avenue, from its intersection with R Street to its intersection with Silver Avenue; Silver Avenue, from its intersection with Twentieth Avenue to its intersection with San Bruno road; also, the intersection of all the aforesaid streets and avenues with each other, and such portion of San Bruno road as to said Board shall seem necessary and useful; said filling, grading, macadamizing, and culverting to be commenced, prosecuted, and completed without unnecessary delay after the passage of this Act, and notwithstanding the protest of any or all the property owners affected thereby, or to be assessed therefor, according to the provisions of this Act.

Establishing  
of grade on  
certain  
streets au-  
thorized.

SEC. 2. The said Board of Supervisors is hereby authorized and empowered to establish, without unnecessary delay, such an official grade on and for Pennsylvania Avenue and R Street, and such portions of Tulare and Islais Streets, and Twentieth and Silver Avenues, and the intersections of said streets and avenues mentioned in section one of this Act, and on the streets, alleys, and places intersecting the aforesaid streets and avenues as to said Board may seem necessary, proper, and useful for travel, and the interest and convenience of the public, and may cut, grade, and improve the same to such official grade, notwithstanding the protest of any or all property owners liable to be assessed therefor.

Expense of  
improve-  
ment as-  
sessed upon  
what land.

SEC. 3. The said Board of Supervisors may, without any petition whatsoever, from any person or persons, commence, prosecute, and complete the work contemplated in sections one and two of this Act, and pass all orders and resolutions, and do all things in connection therewith as may be necessary to commence, prosecute, and speedily complete said work, in such manner and with such materials as to said Board may seem proper, and the expense incurred therefor shall be assessed upon the lots of land fronting on the streets, avenues, alleys, and roads, within the following boundaries, to wit: Commencing at the point of intersection of the westerly line of Indiana Street with the southerly line of Santa Clara Street; thence southerly along the westerly line of Indiana Street to the northerly line of Tulare Street; thence easterly along the northerly line of Tulare Street to the easterly line of Tennessee Street; thence southeasterly to the point of intersection of the southerly line of Islais Street with the northeasterly line of First Avenue; thence southeasterly along the northeasterly line of First Avenue to the northerly line of India Street; thence southerly to the point of intersection of the southwesterly line of First Avenue with the northwesterly line of I Street; thence southwesterly along the northwesterly line of I Street to the southwesterly line of

Ninth Avenue; thence southeasterly along the southwesterly line of Ninth Avenue to the northwesterly line of F Street; thence southwesterly along the northwesterly line of F Street to the northeasterly line of Twenty-seventh Avenue; thence northwesterly along the northeasterly line of Twenty-seventh Avenue to the southeasterly line of Railroad Avenue; thence southwesterly along the southeasterly line of Railroad Avenue to easterly line of San Bruno road; thence northwesterly along the easterly and northeasterly line of San Bruno road to the southeasterly line of Railroad Avenue; thence northerly along the southeasterly line of Railroad Avenue to a point formed by the intersection of the southeasterly line of said Railroad Avenue with the southerly line of Bernadotte Street; thence easterly along the southerly line of Bernadotte Street to the end thereof; thence northeasterly to the northeasterly corner of Missouri and Tulare Street; thence northerly along the easterly line of Missouri Street to the southerly line of Santa Clara Street; thence easterly along the southerly line of Santa Clara Street to the point of beginning; and all lots fronting on any and all the lines, streets, avenues, and roads mentioned in the above description, shall be included within said assessment; and for the purpose of carrying out the objects and intentions of this Act, all laws, Acts, and parts of Acts, in force at the time of the passage of this Act, not inconsistent therewith or any of the provisions thereof, regulating or providing for the improvement, grading, and macadamizing of public streets and highways, in the City and County of San Francisco, and the levying, assessing, and collection of assessments for the improvement, grading, and macadamizing of such streets and highways, are hereby made applicable to this Act.

Certain  
Acts made  
applicable.

SEC. 4. The said Board of Supervisors are hereby further authorized and empowered to construct a draw-bridge, of such capacity, dimensions, and materials as to said Board shall seem proper, across Islais Crook, as laid down upon the official map of said city and county, from the southerly line of Tulare Street to the northerly line of Islais Street, between a prolongation southerly of the easterly and westerly lines of Pennsylvania Avenue; said bridge to be a free public bridge, and to be suitable for all traveling purposes, and all cost and expense for constructing and maintaining the same shall be paid out of the General Fund of the treasury of said City and County of San Francisco; and the space required for said bridge is hereby excepted from the operations of sections one, two, and three of this Act.

Draw-bridge  
to be con-  
structed.

SEC. 5. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAP. DLXXVI.—*An Act supplemental to amendatory of an Act entitled "An Act to regulate the practice of medicine in the State of California," approved April 3d, 1876.*

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Persons  
practicing  
medicine  
and surgery  
to present  
diploma to  
Board

SECTION 1. Section one of an Act entitled "An Act to regulate the practice of medicine in the State of California," approved April 3d, 1876, is hereby amended so as to read as follows: Section one. Every person in this State practicing medicine or surgery, in any of its departments, shall possess the qualifications required by this Act. Every such person shall present his diploma to one of the Boards of Examiners herein named, together with the affidavit mentioned in section three (3) of this Act. If the Board shall find all the facts required to be stated in said affidavit to be true, the Board of Examiners shall issue its certificate to that effect, signed by all the members thereof, and sealed with the seal of the Board, and such certificate shall be conclusive as to the right of the person named therein to practice medicine and surgery in any part of this State.

Board of  
Examiners  
appointed  
by what.

SEC. 2. Section two (2) of said Act is hereby amended so as to read as follows: Section two. The Medical Society of the State of California, the Eclectic Medical Society of the State of California, and the California State Homeopathic Medical Society, corporations organized and existing under and by virtue of the laws of this State, and no other corporation, society, persons or person, shall appoint annually a Board of Examiners, consisting of seven members, who shall hold their office for one year and until their successors shall be chosen. The Examiners so appointed shall go before a District or County Judge and make oath that they are regular graduates, and that they will faithfully perform the duties of their office. Vacancies occurring in a Board of Examiners shall be filled by the society appointing it, by the selection of alternates, or otherwise. The Board of Examiners now organized, or existing under and by virtue of their appointments by the aforesaid societies, shall continue to act as such Boards until their successors are appointed at the next annual election.

Vacancies;  
how filled.

Board to  
examine  
diplomas.

SEC. 3. Section four (4) of said Act is hereby amended so as to read as follows: Section four. Said Board of Examiners shall examine diplomas as to their genuineness, and if the diploma shall be found genuine, as represented, the Secretary of the Board of Examiners shall receive a fee of five dollars from each graduate or licentiate, and no further charge shall be made to the applicant, but if it be found to be fraudulent, or not lawfully owned by the possessor, the Board shall be entitled to charge and collect twenty dollars of the applicant presenting such diploma. The applicant shall accompany his diploma with an affidavit stating that he is the lawful possessor of the same, that he is the person therein named, that the diploma was procured in the regular

Applicant  
to make  
affidavit  
containing  
what.



course of medical instruction, and without fraud or misrepresentation of any kind, and that the medical institution granting the diploma had, at the time of the granting the same, a full corps of medical instructors, and was at the said time a legally incorporated institution, actually and in good faith engaged in the business of medical education, and in good standing as a medical institution, and that the applicant had complied with all the requirements of said institution. Such affidavit may be taken before any person authorized to administer oaths, and the same shall be attested under the hand and official seal of such officer, if he have a seal. In addition to such affidavit, the Board of Examiners may hear such further testimony as in their discretion they may deem proper to hear, as to the verification of any such diploma, or as to the identity of the person named therein, or as to the manner in which any such diploma was procured, and if it should appear from such testimony that any fact stated in said affidavit is untrue, the application of such person for a certificate shall be rejected. None of said Boards shall entertain an application which has been rejected by another of said Boards, nor shall any rejected application be renewed until at least one year after the action of the Board rejecting the same.

SEC. 4. Section ten (10) of said Act is hereby amended so as to read as follows: Section ten. The Board of Examiners must refuse certificates to individuals guilty of unprofessional conduct. But before any such refusal the applicant must be cited by a citation signed by the Secretary of the Board, and sealed with its seal, to appear before the Board at a time and place certain for the purpose of being heard as to such unprofessional conduct. Said citation shall notify the applicant of the time and place, where and when the matter of said unprofessional conduct shall be heard, the particular unprofessional conduct with which the applicant is charged; and that the applicant shall then and there appear in person, and attended with such witnesses to testify on his behalf as he may desire, or default will be taken against him, and his application for a certificate refused. The attendance of witnesses at such hearing shall be compelled by subpoenas issued by the Secretary of the Board under its seal; and said Secretary shall in no case refuse to issue any such subpoena on a fee of fifty cents being paid him for each subpoena. Said citations and said subpoenas shall be served in accordance with existing provisions of law as to the service of citations and subpoenas generally. At such hearing witnesses shall be examined on the part of the Board and on the part of the applicant as to the fact of the applicant having been guilty of the conduct set out in the citation, and either side may examine medical experts as to whether such conduct is unprofessional, and if it appear to the satisfaction of the Board that the applicant is guilty of the said unprofessional conduct, no certificate shall be issued to him. But no application shall be refused on the ground of unprofessional conduct, unless the applicant has been guilty of unprofessional conduct within one year next preceding his

Refusal of  
certificates  
for unpro-  
fessional  
conduct.

Hearing of  
witnesses.

Attendance  
of witnesses.

**Revocation of certificate.** application. If any holder of a certificate be guilty of unprofessional conduct, his certificate must be revoked by the Board granting it; but no such revocation shall be valid without said holder being cited to appear, and the same proceedings be had as is hereinabove provided in this section in the case of refusal to grant a certificate. Whenever a certificate is revoked, the Secretary of the Board revoking the same shall certify the fact, under the seal of the Board, to the County Clerk of the county in which the person whose certificate has been revoked is at the time of said revocation practicing his profession, and said Clerk shall thereupon write on the margin, or across the face of his register of the certificate of such person, the fact of such revocation, signing his name thereto, and shall file in his office said certificate of revocation. Each of said Boards may, from time to time, adopt such rules as may be necessary to the orderly conduct of all proceedings taken and had before it. It shall be the duty of the Secretary of the respective Boards to notify the Secretary of all other Boards provided for under this Act of all applicants to whom licenses may have been refused, together with the reasons of such refusal by such Boards.

**Duty of Secretary upon revocation of certificate.**

**Adoption of rules.**

**Practice of medicine defined.** SEC. 5. Section eleven (11) of said Act is hereby amended so as to read as follows: Section eleven. Any person shall be regarded as practicing medicine, within the meaning of this Act, who shall profess publicly to be a physician, or who shall habitually prescribe for the sick, or who shall append to his name the letters "M. D.," but nothing herein contained shall be construed to prohibit gratuitous services in cases of emergency. And this Act, and the Act to which this Act is supplemental and amendatory, shall not apply to lawfully commissioned surgeons of the United States Army or Navy practicing their profession within the limits of this State.

**License imposed on certain persons.** SEC. 6. Section twelve (12) of said Act is hereby amended so as to read as follows: Section twelve. Any itinerant vender who shall sell, or offer for sale, any drug, nostrum, ointment, or appliance of any kind intended for the treatment of disease or injury, or any person who shall, by writing or printing, or by any other method, publicly profess to cure or treat disease, injury, or deformity by any medicine, drug or drugs, nostrum, manipulation, or other expedient, shall pay a license of one hundred dollars a month. Such license shall be collected as other licenses are.

**Misdemeanor.** SEC. 7. Any person practicing medicine or surgery in this State, without first having procured a certificate to so practice from one of the Boards of Examiners appointed by one of the societies mentioned in section two of this Act, shall be deemed guilty of a misdemeanor, and shall be subject to the penalties provided in section thirteen of the Act to which this Act is amendatory and supplemental, but no person who holds a certificate from one of such Boards of Examiners, or who holds a certificate heretofore granted by the Board of Examiners heretofore existing by virtue of appointment by the California State Medical Society of

Homeopathic Practitioners, shall be compelled to procure a new certificate. And all powers and privileges of said Boards of Examiners, under the Act to which this Act is supplemental and amendatory, are hereby transferred to the Boards of Examiners created by this Act.

SEC. 8. Any person assuming to act as a member of a Board of Examiners, under this Act or under the Act to which this Act is supplemental and amendatory, or who shall sign, or subscribe, or issue, or cause to be issued, or seal, or caused to be sealed, a certificate authorizing any person to practice medicine or surgery in this State, except the person so acting and doing be appointed by one of the societies mentioned in section two of this Act, or be authorized so to do by a Board of Examiners appointed by one of said societies, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars, or by imprisonment in the County Jail for a period of not less than thirty nor more than three hundred and sixty-five days, or by both such fine and imprisonment.

SEC. 9. Should either of the said Boards issue a certificate to any person whose application for a certificate has been previously rejected by another of the said Boards, within one year after the rejection of said application, then in such case the certificate issued as aforesaid to said rejected applicant shall be null and void and of no effect.

SEC. 10. If any person not a graduate or licentiate of medicine has been unable to present himself for examination to any of said Boards, as provided in section one of this Act, then and in such case it shall be lawful for either of said Boards, on good cause shown why said person was unable so as to present himself for examination, to examine such person touching his qualifications to practice medicine or surgery, and if said examination shall be satisfactory to the Board, it shall thereupon issue its certificate in accordance with the facts, and the lawful holder thereof shall be entitled to all the rights and privileges of graduates or licentiates to whom certificates have been issued under this Act and the Act to which this Act is amendatory and supplementary, but no such examination shall be had after the expiration of sixty days from the time this Act shall take effect.

SEC. 11. This Act shall be in effect from and after its passage.

This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this first day of April, A. D. eighteen hundred and seventy-eight.

THOMAS BECK, Secretary of State.

CHAP. DLXXVII.—[See volume of *Amendments to the Codes.*]

CHAP. DLXXVIII.—*An Act to authorize the purchase of land and the erection of a County Hospital.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Special tax.

SECTION 1. The Board of Supervisors of San Joaquin County is hereby authorized to levy and cause to be collected, at the same time and in the same manner as other county taxes are levied and collected, a special tax not exceeding fifteen cents on the one hundred dollars' valuation, upon all the taxable property in the county, according to the assessment roll for the year one thousand eight hundred and seventy-eight, and the County Treasurer shall set apart the moneys accruing therefrom into a separate fund, to be called the "Land Purchasing and Hospital Buildings Fund," to be used for buying a farm and erecting thereon suitable buildings and conveniences for a County Hospital, and to equip the said farm with the necessary tools and implements to turn to good account the labor of such patients as may be of sufficient health and ability to work, having regard to age and sex; also to furnish the building or buildings with such furniture as may be necessary for comfort and convenience.

Tax to be used for what.

SEC. 2. Nothing in this Act shall be construed so as to impair or in any way restrict the powers now possessed by the Board of Supervisors of San Joaquin County to care for and maintain the dependent poor and indigent sick of said county.

SEC. 3. This Act shall go into effect immediately.

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CHAP. DLXXIX.—[See volume of *Amendments to the Codes.*]

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CHAP. DLXXX.—*An Act relative to the powers and duties of the Sheriff of Alameda County, in the matter of attachments of property in said county.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Fees of Sheriff.

SECTION 1. In all cases where a keeper is required, by either the plaintiff or defendant, to take charge of property seized on attachment, execution, or other process, the Sheriff shall be allowed, and be paid by the party requiring such

keeper, the sum of three dollars per day as compensation for such keeper; and in case no keeper is required, then the Sheriff shall be allowed to charge, collect, and retain, to his own use, such sums of money as he shall reasonably and necessarily incur and disburse in the taking, keeping, preserving, removing, and storing any property so seized as aforesaid, and he shall not be required to release or re-deliver said property until all such expenses are refunded. The Sheriff shall also be allowed to retain to his own use one-half of the mileage provided for in his fee bill, to cover in part the necessary traveling expenses of himself and his deputies, in the discharge of their official duties; *provided*, no mileage shall be charged or collected by the Sheriff or his deputies for services performed by them for the County of Alameda.

SEC. 2. This Act shall take effect immediately.

CHAP. DLXXXI.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to open Valencia Street, in said city and county, from a point about four hundred feet north of Mission Street to the northwesterly line of Mission Street, and to condemn property for the roadway of said street.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and required to cause Valencia Street, in said city and county, to be continued, opened, and made and declared a public highway, from a point on said Valencia Street where the same turns westerly, said point being about four hundred feet north of the northwesterly line of Mission Street; thence south (and on a right line with Valencia Street north of said point, and of the same width thereof) to said Mission Street, as shown upon the diagram of said Valencia Street, hereto annexed; and wherever the line of said street, as herein projected, crosses or passes over land or improvements, the private property of any person or persons, which has not heretofore been dedicated to the public as a part of said street, and any portion of said land is necessary to be included within the limits of said street, it shall be the duty of said Board of Supervisors to proceed as hereinafter described for the condemnation of said land or improvements so included within the limits of said street.

SEC. 2. The said Board of Supervisors shall, within forty days after this Act takes effect and goes into force, cause the City and County Attorney of said city and county to file in the office of the Clerk of the County Court of said city and county a petition on behalf of said city and county, setting forth the description by metes and bounds, or by some accu-

rate designation, of the tract or tracts of land or improvements which it may be necessary to have condemned for the purpose of opening of said street, together with the names of the persons in possession of said tract or tracts of land or improvements, and of those claiming any right, title, or interest therein, as far as the same can be ascertained by reasonable diligence.

Who shall be  
defendants.

SEC. 3. The persons in occupation of said tract or tracts of land, or improvements, and those having any right, title, or interest therein, whether named in the petition or not, shall be defendants thereto, and may appear and be heard before the Commissioners herein provided for, and in the proceedings herein provided for, and in the proceedings subsequent thereto, in the same manner as if they had appeared and answered said petition.

Hearing of  
petition.

SEC. 4. The said Court, or the Judge thereof, whether in term time or vacation, shall, by order, appoint the time for hearing of said petition, and such hearing may be had, and all orders in said proceedings may be made by said Court, or the Judge thereof, either in term time or vacation.

Notification  
of owner of  
pendence of  
petition.

SEC. 5. The said Board of Supervisors shall cause all the occupants and owners of said tract or tracts of land, or improvements, so far as the same can be ascertained by reasonable diligence, who reside in said city and county, to be notified of the pendency of said petition at least ten days before the hearing thereof, and if any of said occupants or owners are unknown, or do not reside in said city and county, and have not been notified of pendency of said petition, said Board of Supervisors shall cause a notice, stating the filing of said petition, the object thereof, the tracts of land and improvements sought to be appropriated, and the time and place of the hearing of the said petition, to be published for two successive weeks previous to the time of hearing of said petition, in a newspaper published in the said city and county.

Commis-  
sioners of  
Appraisal  
and Assess-  
ment.

SEC. 6. The defendants of said petition may appear on or before the time of hearing thereof, or at such other times as the hearing may be continued to, and upon satisfactory proof being made that the defendants have been duly notified of the pending of said petition, as herein provided, and upon the hearing of the allegation and proof of said parties, if the County Court, or the Judge thereof, shall be satisfied that the said lands, or any part thereof, are necessary and proper for the opening of said street, then such Court or Judge shall appoint three disinterested persons as Commissioners of Appraisal and Assessment, to ascertain and award the compensation to be paid to the person or persons having or holding any right, title, or interest in or to each of said tracts of land or improvement, for and in consideration of the appropriation of said land to the use of the public as a public highway, and to apportion and to assess the whole amount of compensation, together with the costs and charges and expenses of these proceedings, including the Commissioners' fees and expenses, to be fixed, taxed, and allowed by the said Court or Judge upon all the lots of land within the

territory affected by the opening of said street, and hereafter designated, as near as may be, in proportion to the benefit which each of said lots shall be deemed to acquire by the opening of said street; both said award and said assessments to be made in United States gold coin; *provided*, the total assessment shall not exceed sixteen thousand (16,000) dollars; *and provided further*, that not more than one thousand dollars, in all, shall be paid under this Act as, or as for, cost and charges of the proceedings, Commissioners' or attorneys' fees, clerk hire, and all the expenses thereof, exclusive of compensation for land taken; *and provided further*, that no claim against the City and County of San Francisco shall ever arise out of this Act, or by reason thereof, or in any manner whatsoever as the result of the same. If any vacancy occur among said Commissioners, by reason of one or more of them refusing or neglecting to act, or by any other means, one or more Commissioners may be appointed by said Court or Judge to fill such vacancy.

SEC. 7. The said Court or Judge shall appoint the time and place for the first meeting of said Commissioners, and the time for filing their report or reports, and may give such further time as may be necessary for the purpose, if they shall not then have complied with their duties. The said Commissioners, or a majority of them, shall meet at the time and place as ordered, and before entering on their duties shall be duly sworn to honestly, faithfully, and impartially perform the duties imposed upon them, and any one of them may issue subpoenas for witnesses, and may administer oaths, and said Commissioners may adjourn from place to place, and from time to time, as may be necessary for the proper discharge of their duties.

SEC. 8. The said Commissioners shall proceed to view the tract or tracts of land, or improvements described in the petition, and shall hear the allegations and proofs of said parties, and ascertain and award the compensation, in United States gold coin, for the land and improvements sought to be appropriated, to be paid, as is hereinafter provided, to the person or persons having or holding any right, title, or interest in or to each of said tracts of land or improvements; and in ascertaining and awarding such compensation they shall only take into consideration the actual cash value of that part of said land or improvement within the limits of said street at the time of said inquiry, and independent of any value that may be deemed to accrue to the same by means of the opening of said street or the adoption of any measures looking to the opening and grading of the same, and shall apportion and assess the whole amount of such compensation, together with the cash charges and expenses of these proceedings, including the Commissioners' fees and expenses, to be fixed and taxed and allowed by said Court or Judge, upon all the lots of land within the territory affected by the opening of said street, and hereinafter designated, as near as may be, in proportion to the benefit which each of said lots shall be deemed to acquire by the opening of said street, both said award and assessments to be made in United States

Proviso.

Meeting of Commissioners.

Powers and duties of Commissioners.

gold coin; and the said Commissioners shall, on or before the time or times as ordered by said Court or Judge, file in the said Clerk's office their report, signed by them, setting forth their proceedings in the premises, and showing the amount awarded as compensation to every person having or holding any right, title, or interest in or to said tract or tracts of land and improvements so appropriated, the total amount of such compensation, together with the cash charges and expenses of the proceedings, including the fees and expenses of the Commissioners, the lots of land assessed for benefits, and the amount assessed upon each of said lots, respectively. In case there are adverse or conflicting claims to the compensation allowed for any tract or tracts of land or improvements, or any right, title, or interest therein, thus sought to be appropriated, the amount of such compensation may be paid to the Clerk of said Court, and be retained by him until, by the decree of some Court of competent jurisdiction, the right of such conflicting claimants shall have been adjudicated and determined in an action brought by some of said claimants for that purpose. Upon the entry of a final decree of Court in such action, the said Clerk shall pay over the said amounts to the party or parties entitled thereto, and in the proportion as stated and determined in and by said decree.

Compensation paid to Clerk in case of conflicting claims.

Setting aside report in case of dissatisfaction.

SEC. 9. Any person or persons dissatisfied with the report may, within twenty days after the filing of said report, move to set aside the same, or such portion thereof as they or he may be dissatisfied with; and if good cause therefor be shown to the said Court or Judge he shall set aside the said report, in whole or in part, and may recommit said report, or that portion thereof so set aside, to the same or other Commissioners, who shall be ordered to proceed in like manner as those first appointed. All of said report not expressly set aside shall be and remain effectual and valid.

Confirmation of report.

SEC. 10. Upon the expiration of twenty days from the filing of said report or reports, or at such further time as may be appointed therefor, if no such motion shall have been made, and if the proceedings of said Commissioners appear to have been correct and properly done, the said Court or Judge shall confirm the said report and certify such confirmation thereon.

Judgment to be entered in favor of city when.

SEC. 11. Upon the final confirmation of said report by said Court or Judge, the County Court shall enter judgment in favor of the City and County of San Francisco, and against each lot assessed for benefits, describing said lot as set forth in the report of said Commissioners. Such judgment shall be for the amount assessed by said Commissioners upon said lot, and shall be payable only in United States gold coin. Upon each of said judgments remaining unpaid for ninety days after the entering thereof, an execution, or order of sale, may issue by order of said Court, commanding the Sheriff of said city and county to collect the amount therein mentioned by sale of the lot assessed, in the manner prescribed by law for the sale of real estate on execution, the proceeds to be paid by the Sheriff to the Treasurer of



said city and county, who shall place the same to the credit of the "Opening of Valencia Street Fund," which name shall designate the account to be made and kept in the books of the Treasurer of all moneys received and disbursed by him in connection with the proceedings of this Act. All judgments entered in said County Court, as herein provided, shall be a lien upon the lot against which it was entered until the same is paid.

SEC. 12. Any party dissatisfied may, within thirty days after said judgment, appeal therefrom to the Supreme Court, by giving notice of his intention, to the County Clerk, to appeal, and filing an undertaking or making a deposit as now provided by law in cases of appeal from judgment. Appeal.

SEC. 13. The Sheriff shall collect fees for the execution, in case execution issues, as in other cases, but each party may pay to the Treasurer the amount of the judgment against him, and the Treasurer's receipt being produced to the County Court, before the issuance of the order of sale, satisfaction of judgment shall be entered by the Clerk. The Clerk shall not charge any fees for the proceeding unless execution issues, in which case he shall be authorized to charge five dollars for each execution, to be collected by the Sheriff on execution. Sheriff to collect fees for execution when.

SEC. 14. After the final confirmation of the report of said Commissioners, the said Court or Judge shall make an order directing the Treasurer of the City and County of San Francisco to pay to the persons named in said report, as entitled to compensation, either for land or improvements taken, or for fees as Commissioners, or for any service or disbursement in connection with these proceedings, or to the Clerk of said Court, in case there be conflicting claims thereto, as hereinbefore provided, for the amount of said compensation, out of the moneys received by him under and by virtue of the assessments or judgments herein provided for and directed to be made; and upon payments of the amounts awarded, the real estate, and the right, title, and interest therein, described in said report, shall be and become the property of said city and county, and shall be deemed to be acquired for and appropriated to public use as a highway or street of the said city and county. Payment of Compensation.

SEC. 15. The district to be affected and deemed benefited by the opening and continuance of said street, and the condemnation of said land, as herein provided for, is herein defined as that lying within and upon the easterly and westerly lines of Valencia Street, from its intersection with the southwesterly line of Market Street to the northwesterly line of Mission Street, and to the distance of seventy-five feet in depth on each side of said Valencia Street; *provided*, that no lots which do not front on Valencia Street shall be considered as benefited by the opening of said Valencia Street as aforesaid. District affected deemed.

SEC. 16. The Treasurer of said city and county is hereby authorized to receive and receipt for the amounts of each and all of the assessments and benefits and judgments herein provided for, and upon the presentation of such receipt to Treasurer authorized to receive assessments, etc.

the Clerk of said Court, said Clerk is hereby authorized and directed to enter satisfaction of record of such assessment or judgment.

Payment of  
assessment  
by persons  
owning land  
taken for  
street.

SEC. 17. In case any person or persons, corporation or corporations, owning land that may be assessed under this Act, shall also own any tract or tracts of land which may be taken for or occupied by said street, when opened, such person or persons, corporation or corporations, shall only be required to pay the Treasurer the difference, if any, between the amount of the assessment and the amount of the compensation awarded; and in case the compensation awarded exceed the amount of the assessment, such person or persons, corporation or corporations, shall be entitled, upon presentation to the said Treasurer of a certificate, signed by the said Commissioners, showing such fact, to a receipt for the amount of such assessment, and the amount thereof shall be deducted from the compensation so awarded him. And it shall be the duty of the Commissioners, appointed under this Act, to furnish each of such person or persons, corporation or corporations, with a certificate signed by them:

Commissioners to  
furnish  
certificate;  
showing  
what.

*First*—The amount of compensation awarded such person or persons, corporation or corporations, for land or improvements taken and occupied by said street; and.

*Second*—The amount assessed against land belonging to such person or persons, corporation or corporations, to pay for opening of said street.

SEC. 18. This Act shall take effect and be in force from and after its passage.

#### CHAP. DLXXXII.—*An Act to create a Commission to examine and report the condition of certain funds.*

[Approved April 1, 1873.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Commission  
appointed to  
examine  
certain  
grant, etc.

SECTION 1. The Controller of State, the Surveyor-General, the Attorney-General, and State Treasurer, are hereby appointed a Commission, for the purpose of examining and reporting to the next Legislature the condition and disposition of the Congressional seminary land grant of seventy-two sections, and interest arising therefrom; the Congressional public building land grant of ten sections, and interest arising therefrom; the transfer of certain bonds, in accordance with an Act entitled "An Act requiring the Controller of State to transfer certain funds," as provided for in Section 1 of said Act, approved March 26th, 1868; the condition and amounts of money received from the sale of tide lands, and invested under an Act entitled "An Act for the endowment of the University of California," approved April 2d, 1870; the amount of money paid to the Regents of the University of California, in conformity with an Act entitled "An Act

to provide for the support of the University of California," and the several dates of payment thereof, approved April 1st, 1872.

SEC. 2. As soon as practicable after the passage of this Act, the persons named in section one of this Act shall proceed to examine the books of the State Controller, the Surveyor-General, the State Treasurer, and the various Acts concerning the State University, for the purpose of determining the condition and disposition of the various funds mentioned in section one of this Act. Commission to examine certain books.

SEC. 3. It shall be the duty of the said Commission to report the results of their examinations, as provided in sections one and two of this Act, to the next Legislature of this State. Commission to report to Legislature.

CHAP. DLXXXIII.—*An Act for the improvement and preservation of the Yosemite Valley and the Mariposa Big Tree Grove.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of ten thousand (10,000) dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to be used for the following purposes, to wit: For the construction of bridges in the Yosemite Valley, the sum of six thousand (6,000) dollars; for the construction of a wagon road through and around the Mariposa Big Tree Grove, the sum of one thousand (1,000) dollars; for the preservation and improvement of the Yosemite Valley, the sum of two thousand two hundred and twenty-three (2,223) dollars; for the payment of the claim of A. Lancey and W. C. Holmes, the sum of seven hundred and seventy-seven (777) dollars. Appropriation authorized.

SEC. 2. The Controller of State is hereby authorized to draw his warrant for the sum of ten thousand (10,000) dollars, and the Treasurer of State is directed to pay to the Yosemite Valley Commissioners the sum of ten thousand (10,000) dollars for the use and purposes specified in section one of this Act.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. DLXXXIV.—*An Act to appropriate twenty-five thousand dollars to be used co-jointly with a like sum of twenty-five thousand dollars, donated by H. D. Bacon, for the construction of a building to be erected on the State University grounds, in Alameda County, for a library and art gallery.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation authorized.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, to be used co-jointly with a like sum of twenty-five thousand dollars, donated by H. D. Bacon, for the construction of a building to be erected on the State University grounds, in Alameda County, for a library and art gallery.

SEC. 2. The Controller of State shall draw his warrant for said sum of twenty-five thousand dollars in favor of the Board of Regents of the University of California, and the Treasurer of the State shall pay the same.

SEC. 3. This Act shall take effect immediately.

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CHAP. DLXXXV.—[See volume of *Amendments to the Codes.*]

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CHAP. DLXXXVI.—*An Act to authorize certain appropriations of money by the Board of Supervisors of the City and County of San Francisco.*

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Commissioners appointed for certain purpose.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appoint a Board of Commissioners, or a committee to ascertain and report to said Board, what, if any, sum of money is due to Alfred A. Green, for services rendered by him in the year A. D. 1856, or at any other time, in establishing the title of the Pueblo of San Francisco to the four square leagues of land confirmed to said pueblo by the Government of the United States, and for his services in causing the rejection of the Bolton or Santillan title.

Commissioners to hold sessions and hear testimony.

SEC. 2. It shall be the duty of said Board of Commissioners to hold one or more sessions in the City of San Francisco, and to take such testimony as may be offered in favor of or against the claim of said Alfred A. Green, for compensation

for his said services, and to report such testimony to the Board of Supervisors, with a recommendation that said claim be disallowed, or that a specific sum be appropriated for the payment of the same.

SEC. 3. The said Board of Supervisors are hereby authorized and empowered to appropriate and ordered paid out of the General Fund, a just compensation to said Commissioners for their services, and such further sum, not exceeding twenty thousand dollars, to said Alfred A. Green, as the said Board of Commissioners may determine is justly due in full payment for his said services. Appropriation authorized.

SEC. 4. This Act shall take effect on and after its passage.

This bill having been returned by the Governor, with his objections thereto, and after reconsideration having passed both Houses by the Constitutional majority, it has become a law this thirtieth day of March, A. D. eighteen hundred and seventy-eight.

JAMES A. JOHNSON, President of the Senate.  
C. P. BERRY, Speaker of the Assembly.

CHAP. DLXXXVII.—*An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and to establish the grade of Vallejo Street, in said city and county.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The grade of Vallejo Street, from the westerly line of Taylor Street to the easterly line of Jones Street, shall be a direct line. Grade established.

SEC. 2. All Acts or parts of Acts, so far as they are in conflict with this Act, are hereby repealed.

CHAP. DLXXXVIII.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to order Bay Street graded, and to change its grade.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to order graded the whole or any part of Bay Street, in said city and county, from the east line of Larkin Street to east line of the Military Reservation, known as the "Presidio Reservation," without receiving any petition from any person therefor; *provided*, that the Board of Supervisors Board authorized to order street graded.

shall have said grading, between the east side of Larkin Street and Fillmore Street, graded either as a whole or in subdivisions, at their discretion; *and provided further*, that they shall have said grading, between Fillmore Street and the east line of the Presidio Reservation, graded either as a whole or in subdivisions, at their discretion.

Grades  
established.

SEC. 2. The grade of the crossing of Bay and Polk Streets is hereby fixed and established at eighty feet above base, instead of seventy feet; and the grade of the crossing of Bay Street and Van Ness Avenue is hereby fixed at seventy-five feet above base, instead of sixty-five feet; and the grade of the crossing of Bay and Gough Streets is hereby fixed and established at sixty feet above base, instead of fifty-six feet; and the grade of the crossing of Bay and Octavia Streets is hereby fixed and established at forty-five feet above base, instead of thirty feet; and the grade of the crossing of Bay and Laguna Streets is hereby fixed and established at thirty feet above base, instead of twenty-one feet.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act, so far only as they are inconsistent herewith, are hereby repealed.

SEC. 4. This Act shall take effect immediately.

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CHAP. DLXXXIX.—[Sec volume of *Amendments to the Codes*.]

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CHAP. DXC.—[Sec volume of *Amendments to the Codes*.]

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CHAP. DXCI.—*An Act to establish and open Montgomery Street South, in the City and County of San Francisco, and take private lands therefor.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Board  
authorized  
to acquire  
certain  
property

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized, if in the judgment of the Board it should be expedient so to do, after first expressing such judgment by order or resolution entered upon their minutes and duly passed in the manner provided by law, to proceed to acquire all the land and promises, with the appurtenances described below, for public use for an

open public street, the same to be acquired and the cost thereof provided for and paid in the mode and manner provided for in the following sections of this Act. The following is a description of said land and premises, viz.: Description of property.  
 Montgomery Street South, as now known and called, and as now laid out and opened from Market Street to Howard Street, in said City and County of San Francisco, and shown upon the map of the survey of said street, made by William P. Humphreys, City and County Surveyor, for the Montgomery Street Real Estate Company.

SEC. 2. The value of the land taken on said street, and the damages to improvements thereon, or adjacent thereto, injured thereby, and all expenses whatsoever incident to the establishment of said street, shall be held to be the cost of said street, and shall be assessed upon the district hereinafter described as benefited by said street, in the manner hereinafter provided. Cost of street.

SEC. 3. The district benefited by said improvement, and upon which the cost of making the same shall be assessed, is hereby designated and described as follows: The land adjoining the said street upon its northeasterly and southwesterly sides, from Market Street to Howard Street, to a uniform depth of one hundred feet. Description of property assessed.

SEC. 4. In case said Board shall pass the order or resolution provided for in section one (1), a certified copy of such order or resolution, certified by the Clerk of said Board, shall be filed in the County Court of the City and County of San Francisco, and thereupon said Court shall, within twenty days thereafter, or as soon thereafter as the same can be done, appoint three Commissioners, who, with their successors in office, shall constitute a Board of Commissioners, and be called "The Montgomery Street South Commissioners," and as such Board have all the powers and duties prescribed by this Act. Vacancies in said Board shall be filled by said Court, by appointment, in the same manner as the original Commissioners are appointed, within twenty days after such vacancy occurs. Before entering upon their duties said Commissioners shall each take and subscribe an oath before the County Judge of said city and county, that he will, to the best of his ability, perform all the duties required of him by this Act, and that he has no interest in any property to be taken, injured, or assessed, as therein provided, which oath shall be filed with the Clerk of the County Court of said city and county. They shall each receive a compensation of one thousand dollars for their services. The said Board may employ a Secretary, and such attorneys, clerks, draughtsmen, searchers of records, surveyors, and other assistants as they may deem necessary and proper, and allow and pay them a reasonable compensation; also, shall rent and furnish a suitable office for the transaction of its business, if one cannot be furnished in the City Hall; *provided*, that the rent of said office shall not exceed fifty dollars per month, nor the cost of furnishing, two hundred dollars; *provided*, that the entire sum allowed for fees, salaries, and emoluments of all Courts, officers, Commissioners, clerks, Commissioners appointed.  
Vacancies; how filled.  
Compensation.  
Employment of assistants.  
 proviso.

assistants, attorneys, and employes of every description, as well as all other expenses of said matters hereinafter provided for in connection with the Commission, shall not exceed the sum of five thousand dollars: *and provided further*, that no claims or demand against the City and County of San Francisco shall ever arise under or in consequence of this Act or the proceedings under the same. Said Board shall appoint one of its members who shall act as President; also, adopt and procure an official seal, which may be used to verify their official acts. The said Board may issue certificates of indebtedness, under their official seal and the signature of the President, for preliminary and incidental expenses. Any act required to be done by said Board under this Act may be done by a majority of said Board.

Board to ascertain cash value of property

SEC. 5. The said Board of Commissioners shall proceed to ascertain and determine, and separately state and set down in a written report, to be signed by at least a majority of said Board, the description and actual cash value of the several lots and subdivisions of land and improvements included in the land taken up for the said street, and the damages done to the property along the line of said street. In ascertaining such value and damages, if said Commissioners and the owners, or other parties interested in the said land and property, can agree upon such value or damage, said Commissioners shall enter into an agreement, in writing, with such owners or parties, to that effect, and that such owners or parties agree to convey said property to said city and county, or to release such damages, upon payment of such value or damages; and the amount of such value, or the amount of damages so agreed upon, shall be set down in said report as the value of said land, or the damage sustained. In case said Board and said owners or parties cannot agree, or such owners or parties are unknown, and cannot, with reasonable diligence, be ascertained, or are under any legal disability, said Board shall so set down the fact in said report, specifying the disability, if any. If in any case said Board shall find that conflicting claims of title or interest exist, the land or property as to which there is said conflict shall be set down as belonging to unknown owners. In making said report, said Board shall severally specify and describe each lot and subdivision or piece of property taken or injured by said street, and shall set down against each lot, subdivision, or piece of property, the names of the owners, occupants, and claimants thereof, or of persons interested therein as lessees, incumbrancers, or otherwise, and the particulars of their interest, so far as the same can be ascertained, and the amount of value or damage agreed upon for the same, respectively. The said Board shall also attach to said report suitable maps, plans, or diagrams, showing the property taken, in lots and subdivisions, with the name of the owners, lessees, and claimants, so far as known to the Board.

Conflicting claims.

Contents of report.

Report to be filed.

SEC. 6. Said report, when completed, shall be filed in the said County Court, and notice of such filing be published for five (5) days in two daily newspapers published in the



City and County of San Francisco. Within twenty days after the filing of such report, written objections thereto, to any matter contained therein, specifying the particular ground of such objection, may be filed in said office on the part of any owner or party interested in property to be taken or injured by the said improvement, or assessed for benefits arising therefrom.

Objections.

SEC. 7. At a time within forty days after the filing of said report, or as soon thereafter as practicable, to be appointed by said Court, of which it shall cause due notice to be given, by publication for five days in two daily newspapers published in said city and county, said Court shall proceed to a hearing upon said report and objections, and, if it shall deem expedient, take proof as to any matter contained in said report or objections, and may confirm, modify, or reject said report, wholly or in part, or as to any matter contained therein; in which case said report shall be recommitted by said Court to said Board of Commissioners, with directions to make and file a new or amended report, in accordance with the determination of said Court upon said hearing, as to the whole or any part of said report. Said new or amended report shall, accordingly, be made and submitted to said Court; and if, upon examination, said Court shall find that said new or amended report conforms to the directions given as above provided, then said Court shall approve and confirm the same. But if said new or amended report shall not conform to said directions, then said Court shall again refer said report back to said Board of Commissioners, and so on until the said report shall conform to the original directions and determination of said Court respecting the same, when the same shall by it be finally approved and confirmed.

Hearing of report and objections.

Amended report to be submitted to Court.

SEC. 8. In case, upon said hearing, the value of any property taken, or amount of damage suffered by any property set down in said report by agreement between said Board of Commissioners and the owner or owners or party interested in any such property as before provided, shall be reduced by said Court, such owner or owners, or party interested, shall have five days after notice of such reduction to file, in writing, with the Clerk of said Court, his or their consent to such valuation, or the amount of such damage as so reduced. In case such owners or parties shall not file said consent within said time, or in case such owner or parties have not been served with such notice, from any cause, they shall be deemed not to consent to such reduction, and the agreement between such Commissioners and such owner or owners, or parties, if any exist, fixing such value or amount of such damage, for the purpose of stating the same in said report, shall be deemed canceled.

Filing of consent to reduction.

SEC. 9. The final confirmation of the report of said Commissioners by the County Court, provided by section seven (7), shall be binding and conclusive upon all parties who have agreed with said Board of Commissioners upon the value of any property taken, or amount of damage done to any property taken or damaged for the purposes of said street, and set down in said report as to the value of such property or

Final confirmation of report conclusive.

amount of such damage, and also upon said City and County of San Francisco, and the filing of the consent, in writing, provided by section eight (8) of this Act, for all owners and parties interested as to whose property said County Court shall have reduced the valuation thereof, or damage done to the same, from the amount of such valuation or damage agreed upon between said Commissioners and such parties, and set down in such report, shall be in like manner binding and conclusive upon the parties so filing said consent, and upon said city and county, as to the value of the property so taken or the damage done.

Condemnation of property in cases of disagreement, etc.

SEC. 10. In all cases where said Board of Commissioners shall be unable to agree with the owner or owners, or parties interested in property to be taken or damaged by said improvement, as to the value of such property or extent of such damage; and all cases where said Board of Commissioners and such owner or owners, or parties having so agreed, such agreed valuation or damage shall have been reduced by said Court, and no consent to such reduction shall have been filed as before provided; and all cases where such owner or owners, or parties interested, shall be under a legal disability to contract, or are unknown, as defined in this Act, said Board of Commissioners shall, as soon as practicable after the confirmation of said report, proceed either in their own name as such Commissioners, or in the name of the City and County of San Francisco, under the provisions of Part Three, Title Seven, of the Code of Civil Procedure, to condemn said property for the purposes of said street; *provided*, that the payment of any sum of money assessed in such proceedings may be made at any time within six months after final judgment therein; *provided, also*, that subdivision three (3) of section one thousand two hundred and forty-eight of said Code shall not be applicable to proceedings under this section. The Commissioners may commence several suits or proceedings, and at various times, for such condemnation, or they may, at their option, join several different parcels in one suit or proceeding, and from time to time, until all the property necessary is acquired. Such suit or suits may be prosecuted in any of the District Courts of the said city and county, or in the County Court thereof, as the said Board may deem advisable. Such proceedings, when ready for trial, shall take precedence over the ordinary business of the Court where the same are pending; and it shall be the duty of such Court to set a time for such trial, upon the application of any party to such proceeding, not more than ten days from the time of such application.

Board to file supplemental written report.

SEC. 11. After the said Board of Commissioners shall have ascertained, by such condemnation proceedings, the value of the property and the extent of the damage referred to in section ten (10), they shall, as soon as practicable, file in the office of the County Clerk of said city and county a supplemental written report, to be signed by at least a majority of said Commissioners, stating a description of the lots and subdivisions of land condemned, in accordance with the provisions of section ten (10), the amount of the judgment

in each case, and the name of the person or persons to whom such judgment, in each case, is payable.

SEC. 12. The value of the land taken for said street, and the damages to property along the line of said street, having been fixed and ascertained as hereinbefore provided, said Board of Commissioners shall proceed to ascertain and set down, in a written report, a description of the several subdivisions or lots of land included in the district designated in section three (3) of this Act, and opposite to such description shall set against each lot or subdivision the sum or amount in which, according to the judgment of the Board, the said lot has been or will be benefited by reason of the establishment of said street relatively to the benefits accruing to other lots of land within said designated district. Said Board shall also set against each lot or subdivision as aforesaid the names of the owners, lessees, and claimants thereof, so far as the same can be ascertained conveniently by said Board, and if not ascertained, shall set them down to unknown owners. Error, however, in the designation of the owner or owners of any lot assessed shall not affect the validity of the assessment. The said Board shall also attach to said report suitable maps, plans, or diagrams, showing the property assessed for said improvement, in lots and subdivisions, with the names of the owners, lessees, and claimants, as far as known to said Board.

Commissioners to make report containing what.

Error not to invalidate.

SEC. 13. Immediately upon the completion of the report provided by section twelve (12), the same shall be filed in the County Court of said city and county, and notice of such filing be published for five days in two daily newspapers published in said city and county. At any time within twenty days from the filing of said report, written objections to the same, or any part thereof, may be filed in said Clerk's office by any person interested in any land or property to be assessed for said improvement, under the provisions of this Act. The particular grounds of objection shall be therein specified.

Report to be filed.

SEC. 14. At a time and place to be appointed by said County Court, of which it shall cause due notice to be given, by publication for five days in two daily newspapers published in said city and county, said Court shall proceed to a hearing upon said report and objections, and if it shall deem expedient, take proof as to any matter contained in said report or objections, and may confirm, modify, or reject said report, wholly or in part, or as to any matter contained therein, in which case said report shall be recommitted by said Court to said Board of Commissioners, with directions to make or file a new or amended report, in accordance with the determination of said Court, upon said hearing, as to the whole or any part of said report. Said new or amended report shall accordingly be made and submitted to said Court, and if, on examination, said Court shall find that said new or amended report conforms to the directions given as above provided, then said Court shall approve and confirm the same. But if said new or amended report shall not con-

Hearing of report and objections.

Amended report to be submitted to Court.

form to said directions, then said Court shall again refer said report back to said Board of Commissioners, until said report shall conform to the original directions and determination of said Court respecting the same, when the same shall by it be finally approved and confirmed. As soon as practicable, after the confirmation of said report, the said Board of Commissioners shall file, in the office of the Clerk of said Court, a schedule of the costs and expenses arising from or incident to the establishment of said street, and pray the County Court that the same be allowed. The Court shall examine the said schedule and determine the correctness and reasonableness of the costs and expenses therein specified, and make an order specifying the amount of such expenses and costs as are allowed, including costs of Court.

Assessment  
levied to  
pay dam-  
ages, etc.

SEC. 15. All the damages, costs, and expenses arising from or incident to the establishment of said street, being fixed and determined as in this Act provided, said Board of Commissioners shall, as soon thereafter as practicable, by resolution entered in its minutes, levy an assessment upon the lands described in section three of this Act sufficient to pay the whole amount of such damages, costs, and expenses, which assessment shall be apportioned and distributed, as near as may be, according to the enhanced value of the respective parcels of land, as fixed in the said final report by the said Board. The said Board shall then cause to be prepared, and shall file in said County Court, an assessment list containing a description of the several subdivisions or lots of land included in the district designated in section three of this Act, as they are described in said final report, and opposite to each description shall set against each lot or subdivision the sum or amount assessed thereon. Said assessment list shall, as to its statement of the names of owners, lessees, and claimants of the lots and subdivisions contained therein, conform to said final report, and no error in the designation of the owner or owners of any lot assessed shall affect the validity of the assessment. Said Board shall also cause a map to be prepared and filed in said Court showing the property assessed for said improvements, in lots and subdivisions, and the names of the owners, lessees, and claimants, as they appear in said assessment list. Upon the filing of said assessment list and map said assessment shall become perfect and complete, and each of said lots so designated shall become charged with and liable to pay to said Commissioners the amount so assessed against the same for the payment of its portion of the expenses of purchase, confirmation, and construction of said street; and the same shall be a lien upon the property so assessed until paid. Said assessment shall be payable as follows: One-fourth thereof within thirty days after filing said map and assessment list; one-fourth thereof within sixty days after such filing; one-fourth thereof in ninety days after such filing; and one-fourth thereof within one hundred and twenty days after such filing. Notice of the filing of said map and assessment list shall be given by publication in two daily newspapers in said city and county for five days. The lien of the assess-

Assessment  
list to be  
prepared.

Assessment;  
payable how.

ment provided for in this Act is preferred to any lien, mortgage, or other incumbrance which may have attached either prior or subsequent to the commencement of proceedings under this Act. In case there shall be default in the payment of any of said installments within the time limited herein, the whole assessment shall become due and payable. In case any portion of the assessment upon any lot or lots described in said map or assessment list shall not be paid within the time herein limited, the said Board shall thereupon on demand be entitled to an order of the County Court authorizing them to sell such lot or lots of land to satisfy said assessment, and the costs and expenses of sale, or so much thereof as may be necessary for that purpose. All sales of property under this Act shall be made by the Sheriff, under the direction of said Board of Commissioners, and the same notice be given thereof as is required in cases of real estate under execution, and must be subject to equity of redemption at any time within one year from sale, upon payment of the amount for which such sales are made, with interest thereon at the rate of two per cent. per month from the time of such sales until paid, together with the amount of any assessment or taxes which the purchaser may have paid thereon after purchase, and interest thereon. The Sheriff shall give the purchaser a certificate of such sale, and upon failure to redeem shall execute to such purchaser a conveyance of the premises sold. In place of applying to said County Court for such order of sale, said Board of Commissioners may, if they deem it expedient so to do, proceed, upon default in the payment of assessments as above provided, to foreclose by suit in any Court of competent jurisdiction the lien of said assessment, and sell all or any of said lots of land to satisfy said assessment and costs and expenses of suit and sale, or so much thereof as may be necessary for said purpose. All suits shall be conducted by the attorney of said Board, who shall be allowed ten per cent. upon the amount sued for as counsel fees, together with all other fees and charges of suit, to be charged up in judgment against the property, and collected from the property.

Sale of lots to satisfy assessment.

Sales made by whom.

Suits conducted by whom.

SEC. 16. All moneys received by said Commissioners, either from such assessment, or from any other source under this Act, shall be paid into the treasury of the City and County of San Francisco, and there kept as a special fund, to be called the "Montgomery Street South Fund," and shall only be drawn therefrom when needed for the purposes of this Act, upon the order of said Commissioners, audited by the Auditor of the City and County of San Francisco, whose duty it shall be to act toward said funds as Auditor thereof. All damages paid and all assessments levied under this Act shall be in gold coin of the United States.

Special fund.

SEC. 17. In case, except as otherwise provided by this Act, any person to whom or in whose favor damages shall have been awarded by said Board shall fail or neglect, for the period of twenty days after there shall be funds to the credit of the "Montgomery Street South Fund" sufficient to pay such damages, to ask for and receive from said Board a

Failure of persons awarded damages to call for same.

warrant for the sum so awarded, the said Board may draw a warrant upon said Treasurer in favor of said owner or owners, and deposit the same with the Clerk of said city and county, accompanied by a certificate of said Treasurer that the warrant so drawn and deposited has been registered by him, and that there are funds in his hands to pay the same, or said Board may deposit in said Court the sum so awarded, and thereupon said Board, on demand, shall be entitled to an order of the County Court authorizing them to enter upon such piece of land, and remove obstructions therefrom, and to throw open the lots so described as part of said street, and thereupon an execution may issue to the Sheriff of said city and county, commanding him to put the said Board in possession of such lot for the said city and county, and thereafter, upon delivering to the said County Court a sufficient deed, conveying said lot of land to the said city and county, the party so dispossessed shall be entitled to receive the value of the land so conveyed, or the said warrant of the Board therefor.

Sale and removal of buildings declared obstructions.

SEC. 18. Should the owners of any lands taken for said street, except as otherwise provided by the Act, fail or neglect, within the space of thirty days after the money is in the treasury to pay the same, to remove the buildings and improvements from the said lands, and deliver possession of said lands to said Board, on tender from said Board to them, respectively, of the sums awarded to them, respectively, by said Board, as the value of such lands, buildings, or improvements, then the said Board may at any time thereafter sell such buildings and improvements at public auction to the highest bidders, to be removed by the respective purchasers thereof. Sums so bid at such sales shall be paid in cash, or in warrants of said Board.

Persons entitled to damages and assessed for benefits.

SEC. 19. In any case where the same party shall be entitled to damages for property taken or injured, and at the same time is assessed for benefits under this Act, such party may set off such damages and assessments for benefits against each other, at any time within thirty days after the respective amounts of such damages and assessments are finally fixed and ascertained, by serving notice, in writing, to that effect upon said Board of Commissioners. Blanks for such purpose shall be furnished by such Board, and such service may be made by leaving such notice at the office of said Board, with the Secretary or a member thereof.

Board may borrow money for what.

SEC. 20. In case the said Board of Commissioners shall deem it advisable to pay the value of the whole or any portion of the land taken for said street, or the damages to property along the line of said street, before there shall be any or sufficient moneys in said fund to pay the same, said Board may borrow money therefor, to be repaid to the lender out of said fund when there shall be moneys therein, and out of said fund only; and a warrant against said fund shall be given to such lender for the moneys so borrowed.

SEC. 21. If at any time after the passage of this Act, and the adoption of the order or resolution referred to in section one of this Act, the owner or owners of any portion of the

land situate in the said street, as the same is now open from Market Street to Howard Street, in said city and county, shall tender to the Board of Supervisors of said city and county a deed of conveyance of so much of the land embraced within the limits of said street, as the same is now opened, as is owned by them, conveying the same to said city and county, free from incumbrance, for the purposes of an open public street, and shall also give to said city and county good and sufficient security, to be approved by said Board of Supervisors, for the payment, without cost to said city and county, of the compensation which may be awarded to the owners or claimants of the remainder of the land embraced within the limits of said street, and not embraced within the deed so offered, by reason of the appropriation thereof to public use, it shall be lawful for the said Board of Supervisors to cause proceedings to be instituted and prosecuted to final judgment, under Part Three, Title Seven, of the Code of Civil Procedure of this State, in the name of the City and County of San Francisco, for the condemnation of the lands necessary to be so taken to make said Montgomery Street South, as the same is now open, an open public street of said city; and upon final judgment in said case, and the payment by the parties giving such security of the compensation awarded therein, and the costs of such proceedings incurred by said city and county, the said Board of Supervisors shall accept the deed so offered, and enter upon and take possession of the lands thereby conveyed, and of the lands so condemned, and make and declare the said Montgomery Street South an open public street of said city. Proceedings under this section may be taken at any time before or after the proceedings provided for in the previous sections of this Act are instituted, and if successful, shall terminate all other proceedings under this Act. The failure of the first or any subsequent attempt to acquire property under this Act, for the purposes herein named, at any stage of the proceedings, shall not operate to extinguish the power of said city and county to acquire said property for the purpose and in the mode and manner herein provided; but new proceedings may be had for the purpose, and in the mode and manner prescribed in this Act, and by the authorities herein provided, as often as may be necessary, until said property shall be acquired by said city and county for an open public street of said city and county.

Proceedings to be taken for condemnation of land where deed of conveyance is given.

Sec. 22. This law, and all acts and proceedings under the same, shall be liberally construed. An Act entitled "An Act to make, open, and establish a public street in the City and County of San Francisco, to be called Montgomery Street South, and to take private lands therefor," passed March seventeenth, eighteen hundred and seventy, and which became a law April first, eighteen hundred and seventy, under the operation of the Constitution, and all Acts supplementary or amendatory of the same are hereby repealed. The Board of Commissioners appointed under the provisions of said Act, or any Acts amendatory or supplementary to the same, and their successors in office, are hereby directed and

Repeal.

Delivery of certain documents to Board.

required to deliver to the Board of Commissioners under this Act, all reports, abstracts, maps, surveys, and generally all papers and documents connected with their said office, upon request of said Board last named; *provided*, that whenever the publication of notice, or proposals, or any matter to be published in a newspaper is mentioned in this Act it shall be considered to include the official newspaper of said city and county.

SEC. 23. This Act shall take effect from and after its passage.

CHAP. DXCII.—*An Act to provide for the payment of certain outstanding bonds of the County of Alameda.*

[Approved April 1, 1873.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Bond redemption and interest tax.

SECTION 1. The Board of Supervisors of the County of Alameda is hereby authorized and directed, at the same time and in the same manner as is or may be provided by law for the levying and collecting of the usual and ordinary taxes of said county, to levy and collect upon all the taxable property within said county, annually, a sum sufficient to pay, each year, in the order in which it has or shall become due, one of the bonds, with the interest thereon, now outstanding and unpaid, and also the interest then due or to become due during the year upon the remainder of the bonds issued by the said county under and pursuant to an Act supplemental to and amendatory of an Act entitled an Act to authorize the construction of a swing or draw-bridge across the San Antonio Creek, in the County of Alameda, approved April fourth, eighteen hundred and seventy, approved February twelfth, eighteen hundred and seventy-two; said levy to be continued each year until all of said outstanding bonds and the interest thereon shall be paid. The said tax to be assessed by the Assessor and collected by the Collector elected by the qualified electors of said County of Alameda, at the same time and in the same manner as is or may be provided for assessing and collecting the ordinary taxes of said county.

Draw-bridge Fund.

SEC. 2. All moneys collected pursuant to the provisions of section one of this Act shall be deposited in the county treasury, to the account of a fund to be called the Alameda Draw-bridge Fund, and shall be exclusively applied to pay the principal and interest upon all the aforesaid outstanding bonds. And it shall be the duty of the County Treasurer of said county to pay the interest on said bonds, as the same becomes due, out of the money provided for that purpose.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, and this Act shall take effect immediately.



CHAP. DXCIII.—*An Act to quiet title to land in the County of Yolo.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The State of California hereby relinquishes to George Herget a certain piece of land in the County of Yolo, bounded by swamp land survey number six hundred and fifty-three, swamp land survey three hundred and fifty-four, and the Sacramento River; *provided*, no adverse rights have intervened. Land relinquished.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DXCIV.—*An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to construct a sewer, of such material and capacity as the said Board may determine, on the most practicable line from the crossing of Lombard and Octavia Streets to the waters of the Bay of San Francisco, for the purpose of draining the lagoon known as Washerwoman's Bay, in said city and county; and are authorized and empowered to appropriate and order paid out of the General Fund such sum as may be necessary for such purpose, not to exceed the sum of twenty-five thousand dollars, and the Auditor is directed to audit and the Treasurer to pay the same. Authorizing construction of sewer.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DXCV.—[See volume of *Amendments to the Codes.*]

CHAP. DXCVI.—[See volume of *Amendments to the Codes.*]

CHAP. DXCVII.—*An Act to enable railroad companies to complete their railroads.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Authorizing  
construction  
of railroads.

SECTION 1. Every railroad company heretofore organized under the laws of this State, and which has completed a portion of its road prior to the passage of this Act, is hereby authorized and empowered to complete its road as described in its articles of incorporation, notwithstanding it may not have begun the construction of its road within two years after filing its original articles of incorporation, and notwithstanding it may not have completed and put in operation five miles of its road each year thereafter.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DXCVIII.—*An Act creating the Twenty-third Judicial District, and defining the Third and Twelfth Judicial Districts.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Boundaries  
of Twenty-  
third Ju-  
dicial Dis-  
trict defined.

SECTION 1. The Twenty-third Judicial District shall be composed of that portion of the City and County of San Francisco described as follows: Commencing at the eastern boundary line of said city and county, at a point in a line with the center of Market Street; thence southerly along the center line of Market Street to its intersection with the easterly line of Kearny Street; thence northerly along said eastern line of Kearny Street to the center of California Street; thence easterly along the center line of California Street to the northerly line of Market Street; thence easterly along the northerly line of Market Street, and in the same course, to the eastern boundary of said city and county; thence southerly along said eastern boundary of the City and County of San Francisco to the place of commencement; also commencing at the point of intersection of the center line of Market Street with the eastern boundary line of the City and County of San Francisco; thence running southwesterly along the center line of Market Street to its intersection with the center line of Second Street; thence southeasterly along the center line of Second Street to its intersection with the center line of Harrison Street; thence northeasterly along the center line of Harrison Street to the eastern boundary line of said City and County of San Francisco; thence northwesterly along said eastern boundary line to the point of commencement; and such Court-room or rooms as may

be hereafter assigned to said district, by competent authority, in the New City Hall building, in the City and County of San Francisco.

SEC. 2. The Third Judicial District shall be composed of the County of Alameda, State of California.

SEC. 3. The Twelfth Judicial District shall be composed of the County of San Mateo, and all that portion of the City and County of San Francisco described as follows: Commencing at the western boundary of the City and County of San Francisco, at a point in a line with the center of Ridley Street; thence easterly in a line with and through the center of Ridley Street to the center of Market Street; thence easterly along the center of Market Street to a point in a line with the center of Kearny Street; thence northeasterly along the center of Kearny Street to a point in a line with the northern side of the City Hall or Court-house; thence easterly and along the northern line of the City Hall or Court-house to a point 65 feet from the eastern line of Kearny Street; thence at a right angle southerly to the southern line of the City Hall or Court-house; thence along the southern line of that building to the eastern line of Kearny Street; thence southerly along the eastern line of Kearny Street to the center of Market Street; thence northeasterly along the center of Market Street to the point of its intersection with the center line of Second Street; thence southeasterly along the center line of Second Street to its intersection with the center line of Harrison Street; thence northeasterly along the center line of Harrison Street to the eastern boundary of the City and County of San Francisco; thence southerly along said eastern boundary, and westerly along the southern boundary, and northerly along the western boundary, to the place of commencement.

Boundaries  
of Twelfth  
Judicial  
District  
defined.

SEC. 4. The District Judges of the Third and Twelfth Judicial Districts, as herein defined, shall continue to be the respective Judges of said districts until the expiration of their respective terms of office.

Continuation  
of  
office.

SEC. 5. The Governor shall appoint, immediately after the passage of this Act, some suitable person as District Judge of the Twenty-third Judicial District, who shall hold his office until the election and qualification of his successor at the next special judicial election.

Appoint-  
ment of  
District  
Judge.

SEC. 6. The District Judge of the Twenty-third Judicial District shall receive the sum of six thousand dollars per annum, which salary shall be payable at the same time and in the same manner as the salaries of other District Judges are paid.

Salary.

SEC. 7. The County Clerk of the City and County of San Francisco shall be ex officio Clerk of the District Court of the Twenty-third Judicial District, in and for said city and county, and the Register Clerk, Court-room Clerk, and Copying Clerk, heretofore appointed by the County Clerk of the City and County of San Francisco, as the Clerks of the Third Judicial District Court, shall be transferred as the Clerks of the said Twenty-third Judicial District Court. The salaries of such Clerks to remain the same.

Transfer of  
Clerks.

Bailiff  
transferred.

SEC. 8. And the Bailiff heretofore appointed by the Sheriff of the City and County of San Francisco, to act as Bailiff, or Deputy Sheriff of said Third Judicial District Court, shall be transferred as the Bailiff of the said Twenty-third Judicial District Court; the salary of said Deputy Sheriff or Bailiff to remain the same.

Suits pend-  
ing in cer-  
tain Court  
where heard.

SEC. 9. Suits brought and matters pending in the District Court of the Third Judicial District, in and for the City and County of San Francisco, shall be heard and determined in the District Court of the Twenty-third Judicial District, in and for said City and County of San Francisco, as if such matters had been commenced in the District Court of that district, and the processes of said District Court shall be effectual for all purposes as if the same were issued from the District Court of the Twenty-third Judicial District; and the records of the District Court of the Third Judicial District, in and for said City and County of San Francisco, shall remain the records and papers of the Twenty-third Judicial District Court.

Terms of  
Court.

SEC. 10. The terms of the District Court of the Twenty-third Judicial District shall commence as follows: On the third Monday of April, August, and December of each year.

SEC. 11. This Act shall take effect on the fifteenth day of April, 1878.

#### CHAP. DXCIX.—*An Act in relation to the Police Judge of the City of San Luis Obispo.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appoint-  
ment of  
Clerk.

SECTION 1. The Police Judge of the City of San Luis Obispo, in San Luis Obispo County, may appoint a Clerk, with such compensation, by way of salary or fees, as the Common Council of said city may by ordinance provide; and the said Police Judge shall be entitled to receive the same compensation in all criminal cases and examinations that is allowed to Justices of the Peace for like services.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DC.—[See volume of *Amendments to the Codes.*]

CHAP. DCI.—*An Act to create a new Court in the City and County of San Francisco, to be designated as the Municipal Court of Appeals of the City and County of San Francisco.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. There shall be and is hereby established, Court established. within the City and County of San Francisco, a Municipal Court, to be called and known by the name of the Municipal Court of Appeals of the City and County of San Francisco.

SEC. 2. A Judge of said Court shall be elected in the Appoint-  
ment of  
Judge. same manner as the County Judge of San Francisco, and at the same time and for the same term ; *provided*, that immediately after the passage of this Act the Governor shall appoint and commission some suitable person, a citizen of San Francisco, as Judge of said Court, who shall hold such office until the next general judicial election, and until his successor is elected and qualified. When a vacancy occurs Vacancy ;  
how filled. in the office of Judge of said Court, it shall be filled by the Governor by the appointment of some suitable person for the unexpired term.

SEC. 3. The said Court shall hold its sessions in such place, in the City and County of San Francisco, as shall be provided for that purpose by the Board of Supervisors of said city and county. Sessions;  
where held.

SEC. 4. The said Court shall be a Court of record, and shall have a seal, to be devised by the first Judge of said Court, a description of which shall be entered on the minutes of said Court and filed in the office of the Secretary of State ; and the said Court shall have the same power as the County Court to regulate its forms of process and proceedings and to make rules for its own government. Power of  
Court.

SEC. 5. All writs and process issued out of said Court shall be of the same form and effect as those issued out of the County Court. In cases where an appeal may be from said Court, it shall be taken in the same way as appeals are or may be taken from the County Court. Form of  
writs.

SEC. 6. All laws regulating proceedings and fees in the County Court and on appeal, so far as they are not inconsistent with this Act, shall be applicable to the said Municipal Court of Appeals. Laws  
applicable.

SEC. 7. The Sheriff and County Clerk of the said city and county shall, respectively, be the Sheriff and Clerk of said Court, and shall provide the same with deputies, the same as are provided for the County Court, and at the same salaries, paid in the same way, out of the General Fund. Sheriff and  
Clerk.

SEC. 8. The Judge of said Court shall have the same power as the Judge of the County Court to take and certify affidavits and judicial oaths ; he shall be a conservator of the peace, and shall have the same power and duties as the County Judge as a Magistrate. Power of  
Judge.

Salary of  
Judge.

SEC. 9. The Judge of said Municipal Court of Appeals shall receive the same amount of salary as the County Judge of said city and county, to be paid in the same manner and out of the same fund.

SEC. 10. Said Court shall possess the same power and jurisdiction in all civil appeal cases as is possessed by the said County Court of said city and county.

Transmis-  
sion of  
appeal  
papers.

SEC. 11. From and after the organization of said Court, all appeal papers, in civil cases, theretofore sent to said County Court, shall, in the same manner, be transmitted by the proper officers to said Municipal Court of Appeals, for trial and determination therein, in the same manner as if tried and determined in said County Court.

Jurisdiction  
of Court  
over civil  
cases of  
appeal.

SEC. 12. Immediately after the organization of said Court, the Clerk of said County Court shall transmit to said Municipal Court of Appeals all papers in civil cases of appeal, then pending and undetermined in said County Court, and thereupon said Municipal Court of Appeals shall have full power and jurisdiction over the same, and shall proceed to try and determine the same, in the same manner and with the same power and to the same effect, as the same might or could have been tried and determined in the said County Court.

Terms of  
Court.

SEC. 13. The terms of said Court shall be the same as are established by law for the County Court of said city and county, and the mode of summoning, drawing, and impaneling juries in said Court shall be the same as are established by law for the said County Court.

SEC. 14. This Act shall take effect from and after its passage.

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CHAP. DCII.—[See volume of *Amendments to the Codes.*]

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CHAP. DCIII.—[See volume of *Amendments to the Codes.*]

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CHAP. DCIV.—[See volume of *Amendments to the Codes.*]

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CHAP. DCV.—[See volume of *Amendments to the Codes.*]

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CHAP. DCVI.—[See volume of *Amendments to the Codes.*]

CHAP. DCVII.—*An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That no warehouseman, wharfinger, or other person, doing a storage business, shall issue any receipt or voucher for any goods, wares, merchandise, grain, or other produce or commodity, to any person or persons purporting to be the owner or owners thereof, unless such goods, wares, merchandise, grain, or other produce or commodity, shall have been bona fide received into store by such warehouseman, wharfinger, or other person, and shall be in store and under his control at the time of issuing such receipt.

*Issuance of receipt for goods.*

SEC. 2. That no warehouseman, wharfinger, or other person engaged in the storage business, shall issue any receipt or other voucher upon any goods, wares, merchandise, grain, or other produce or commodity, to any person or persons, as security for any money loaned, or other indebtedness, unless such goods, wares, merchandise, grain, or other produce or commodity, shall be, at the time of issuing such receipt, the property of such warehouseman, wharfinger, or other person, shall be in store and under control at the time of issuing such receipt or voucher as aforesaid.

*Issuance of receipt upon goods as security for money loaned.*

SEC. 3. That no warehouseman, wharfinger, or other person as aforesaid, shall issue any second receipt for any goods, wares, merchandise, grain, or other produce or commodity, while any former receipt for any such goods or chattels as aforesaid, or any part thereof, shall be outstanding and uncancelled.

SEC. 4. That no warehouseman, wharfinger, or other person as aforesaid, shall sell or incumber, ship, transfer, or in any manner remove beyond his immediate control, any goods, wares, merchandise, grain, or other produce or commodity for which a receipt shall have been given as aforesaid, without the written assent of the person or persons holding such receipt or receipts plainly indorsed thereon in ink.

*Removal of goods when receipt is issued.*

SEC. 5. Warehouse receipts for property stored shall be of two classes: First, transferable or negotiable; and, second, non-transferable or non-negotiable. Under the first of those classes, all property shall be transferable by the indorsement of the party to whose order such receipt may be issued, and such indorsement of the party shall be deemed a valid transfer of the property represented by such receipt, and may be in blank or to the order of another. All warehouse receipts for property stored shall distinctly state on their face for what they are issued, as, also, the brands and distinguishing marks; and in the case of grain, the number of sacks, and number of pounds, and kind of grain; also, the rate of storage per month or season charged for storing the same.

*Receipts classed.*

Receipt to  
be indorsed.

SEC. 6. No warehouseman, or other person or persons, giving or issuing negotiable receipts for goods, grain, or other property on storage, shall deliver said property, or any part thereof, without indorsing upon the back of said receipt or receipts, in ink, the amount and date of the deliveries. Nor shall he or they be allowed to make any offset, claim, or demand other than is expressed on the face of the receipt or receipts issued for the same, when called upon to deliver said goods, merchandise, grain, or other property.

SEC. 7. No warehouseman, or person or persons, doing a general storage business, giving or issuing non-negotiable or non-transferable receipts for goods, grain, or other property on storage, shall deliver said property, or any part thereof, except upon the written order of the person or persons to whom the receipt or receipts were issued.

SEC. 8. All receipts issued by any warehouseman or other person under this Act, other than negotiable, shall have printed across their face, in bold distinct letters, in red ink, the words non-negotiable.

Loss by fire.

SEC. 9. No warehouseman, person or persons, doing a general storage business, shall be responsible for any loss or damage to property by fire while in his or their custody, provided reasonable care and vigilance be exercised to protect and preserve the same.

Felony.

SEC. 10. Any warehouseman, wharfinger, person or persons, who shall violate any of the foregoing provisions of this Act, is guilty of felony, shall be subject to indictment, and, upon conviction, shall be fined in a sum not exceeding five thousand dollars (\$5,000), or imprisonment in the State Prison of this State not exceeding five years, or both. And all and every person aggrieved by the violation of any of the provisions of this Act may have and maintain an action against the person or persons violating any of the foregoing provisions of this Act, to recover all damages, immediate or consequent, which he or they may have sustained by reason of any such violation as aforesaid, before any Court of competent jurisdiction, whether such person shall have been convicted under the Act or not.

CHAP. DCVIII.—*An Act to fix the compensation of the Under-Sheriff, Deputy Sheriffs, and County Jailers, of Alameda County.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Salaries of  
certain  
officers.

SECTION 1. Salaries shall be allowed and paid to the Under-Sheriff, Deputy Sheriffs, and County Jailers, of the County of Alameda, as in this Act provided and not otherwise, and shall be in full compensation of all official services done or to be done by them, and required of them in each of



said offices: To the Under-Sheriff, fifteen hundred dollars per annum; to two Deputy Sheriffs, fifteen hundred dollars per annum each; to two Jailers, nine hundred dollars per annum each. Said salaries to be paid out of the Salary Fund of said county.

SEC. 2. The County Auditor shall draw his warrant on the County Treasurer, on the first Monday of each month, in favor of said officers, as above set forth, for the preceding month.

SEC. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. DCIX.—*An Act granting relief to taxpayers whose lands have been sold to the State.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. In all cases where real estate has been sold for delinquent taxes, and the State has become the purchaser, and has not disposed of the same, the person whose estate has been sold, or his heirs, executors, administrators, or other successors in interest, shall, within one year after the passage of this Act, have the right to redeem such real estate by paying to the County Treasurer of the county wherein the real estate is situated, the amount of taxes due thereon at the time of such sale, with interest thereon at the rate of one per cent. a month, and also all taxes that were a lien upon said real estate at the time said taxes became delinquent, and also for each year since the sale, for which taxes on said land have not been paid, an amount equal to the percentage of State and county tax for the that year, upon the value of the said real estate as assessed for the year of the sale, with interest from the first day of January of each of said years, respectively, at the same rate; and also, all costs and expenses, and fifty per cent. penalty, which may have accrued by reason of such delinquency and sale, and the costs and expenses of such redemption, as hereinafter specified. The County Auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him triplicate certificates of the amount, specifying the several amounts thereof, which certificates shall be delivered to the County Treasurer, together with the money; and the County Treasurer shall give triplicate receipts, written or indorsed upon said certificates, to the redemptioner, who shall deliver one of said receipts and certificates to the State Controller, and one to the County Auditor, taking their receipts therefor. The County Treasurer shall settle for the moneys received as for other State

Redemption  
of land sold  
for taxes.

Duty of  
Auditor.

Rec.

and county moneys. The County Auditor shall be paid by the redemptioner, for making out said estimates, the sum of two dollars. Upon the payment of the money specified in said certificates, and the giving of the receipts aforesaid, by the Treasurer, Controller, and Auditor, any deed that may have been made to the State shall become null and void, and all right, title, and interest acquired by the State, under or by virtue of the tax sale, shall cease and determine. The receipts of the County Treasurer, Controller, and County Auditor may be recorded in the Recorder's office of the county in which said real estate is situated, in the Book of Deeds, and the record thereof shall have the same effect as that of a deed of conveyance. This Act shall not apply to school lands, where the full amount of one dollar and twenty-five cents (\$1 25) per acre has not been paid to the State therefor.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DCX.—*An Act for the relief of the Oakland Guard, of Oakland City.*

[Approved April 1, 1878.]

Preamble.

WHEREAS, The military organization known as the Oakland Guard, unattached, Second Brigade, National Guard of California, sustained a great loss on the night of November 30th, 1877, through a total destruction, by fire, of their armory, containing arms, uniforms, and other military property owned by the individual members of said organization, to the amount of forty-three hundred dollars, and therefore pray that the relief herein stated may be granted,

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation authorized.

SECTION 1. The sum of one thousand two hundred and fifty dollars is hereby appropriated out of the State treasury, payable out of any moneys not otherwise appropriated, to pay to the Oakland Guard, of the City of Oakland, as a relief to said organization for the total destruction of their armory, by fire, on the night of November 30th, 1877.

SEC. 2. The Controller of State is directed to draw his warrant on the State treasury, payable as aforesaid, in favor of the Oakland Guard, of Oakland City, for the sum of one thousand two hundred and fifty dollars, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAP. DCXI.—*An Act in relation to the House of Correction of the City and County of San Francisco.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to maintain and support in said city and county the institution now existing therein, and known as the House of Correction, and to make additions thereto as the same may be required, and also to make all proper rules and regulations for the discipline, management, and employment of persons committed to said House of Correction by any Court of said city and county.

Maintenance of House of Correction authorized.

SEC. 2. In making rules and regulations, as provided in the preceding section, the Board of Supervisors shall endeavor, as far as possible, to prevent crime, reform prisoners, and make the House of Correction self-supporting.

SEC. 3. All persons appearing for sentence in the Police Judge's Court, the City Criminal Court, or the Municipal Criminal Court, of the City and County of San Francisco, who might be sentenced to imprisonment in the County Jail, or in the State Prison, may, instead thereof, be by the proper Court sentenced to imprisonment in the House of Correction, in said city and county, subject, however, to the provisions of the next section; and no person shall be sentenced to imprisonment in the House of Correction except under the provisions of this Act.

Imprisonment in House.

SEC. 4. No person shall be sentenced to imprisonment in the House of Correction for a shorter or a longer term than that for which he might be sentenced in the County Jail, or in the State Prison, and in no case whatever for a shorter term than three months, nor for a longer term than three years. No person who might be sentenced to imprisonment in the State Prison shall be sentenced to imprisonment in the House of Correction, if he is more than twenty-five years of age, if he has been once before convicted of a felony, or twice before convicted of petit larceny, nor unless, in the opinion of the Court, imprisonment in the House of Correction will be more for his interest than imprisonment in the State Prison, and equally for the interest of the public. The fact of a previous conviction may be found by the Court upon evidence introduced at the time of sentence.

Term of sentence.

Prohibition of certain persons to imprisonment in House.

SEC. 5. Persons imprisoned in the House of Correction may be put to work on the public works and other property of the City and County of San Francisco, or may be employed at any other work, as the Board of Supervisors of said city and county may direct. And the said Board of Supervisors may, so far as a due regard to economy will permit, provide for the learning of trades by persons whose terms of imprisonment in said House of Correction are of sufficient length,

Prisoners made to work.

and who have the capacity requisite therefor, and will work industriously thereat.

Duty of  
Superin-  
tendent.

SEC. 6. The Superintendent shall give his personal attention to the duties of his office, and shall reside at the House of Correction, and the Board of Supervisors shall provide therein room and board for him, and for the subordinates whose presence may be required in and about said house.

Repeal.

SEC. 7. The third section of an Act entitled "An Act to utilize the prison labor and govern the House of Correction of the City and County of San Francisco," approved March thirty-first, eighteen hundred and seventy-six, and all Acts and parts of Acts, so far as they are inconsistent with this Act, are hereby repealed; *provided*, that all offenses committed before this Act takes effect shall be inquired of, prosecuted, and punished in the same manner as if this Act had not been passed.

House  
deemed to  
be County  
Jail.

SEC. 8. Every person who shall, at the time of the passage of this Act, be confined in the House of Correction under or by virtue of a sentence of imprisonment in the County Jail, may remain in the House of Correction till his term of imprisonment shall expire, and, so far as relates to him, the House of Correction shall be deemed to be the County Jail, and he shall be in the charge and keeping of the Superintendent, who shall have the same power over him that the Sheriff might exercise if he was in fact in the County Jail. While any such person shall be in charge of the Superintendent as above provided, the Sheriff shall be under no responsibility in regard to him; but nothing herein shall prevent the Sheriff from removing at any time any such person from the House of Correction to the County Jail. Nothing in this Act shall be construed to abolish or in any way to interfere with the government or control of the County or Branch County Jails of said city and county by the Sheriff of said city and county.

SEC. 9. This Act shall take effect in 30 days from and after its passage.

#### CHAP. DCXII.—*An Act to confer further powers on the Common Council of the City of Santa Barbara.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Council  
empowered  
to purchase  
certain land.

SECTION 1. The Common Council of said city, for the purpose of opening an avenue between State and Anacapa Streets, may purchase the land and improvements lying between State and Anacapa Streets, and New De la Guerra and De la Guerra Streets, on such terms as they shall deem advisable for the benefit of said city, and if terms cannot be agreed upon between said parties holding lands and improvements and the Common Council, then three Commissioners

may be appointed by the said Common Council, who shall appraise said lands and improvements, and the same shall be paid for out of the General Funds of the City of Santa Barbara.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DCXIII.—*An Act imposing a tax on the issue of certificates of stock corporations.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. It shall be lawful for the Secretary of every corporation in the State of California to demand and receive of any person requiring the issue to him of any certificate of stock in such corporation, a fee of ten cents in coin for each certificate, whether such certificate be the original issue or an issue on transfer, and such certificate shall not be delivered by the Secretary until such fee shall be paid. Fee allowed.

SEC. 2. It shall be the duty of the Secretary of every such corporation, on the first Monday in January, April, July, and October, of each year, to make returns, under oath, to the Tax Collector, or officer acting as Tax Collector, of the number of certificates issued by the corporation of which he is Secretary, during the quarter preceding, and pay to such Tax Collector the sum of ten cents in coin for each and every certificate so issued by said corporation, except that in the City and County of San Francisco such returns and payments shall be made to the License Collector, or officer engaged in the collection of licenses in said city and county. Duty of Secretary.

SEC. 3. Such Tax Collector, or License Collector, is hereby authorized and empowered to examine such Secretary, under oath, as to the truth of said returns, and to examine, if necessary, the books of such corporation, so far as they relate to the transfer of stock, or issue of certificates, and if the returns are not correct then he is authorized to commence an action against such corporation in any Court of competent jurisdiction, in the name of the people of the State of California, for a penalty of one hundred dollars for each certificate issued by such corporation and not so returned under oath, and several penalties may be joined in such action. Examination of Secretary and books.

SEC. 4. Any person violating the provisions of section two of this Act shall be deemed guilty of a misdemeanor, and false swearing to any return provided in section two shall be deemed perjury. Perjury.

SEC. 5. All moneys collected under the provisions of this Act shall be paid by such Tax Collector, or License Collector, into the county treasury, and shall become a part of the General Fund, or if there shall in any county be no General Disposal of moneys collected.

Fund, then the same shall become a part of such fund as the Board of Supervisors may direct.

SEC. 6. This Act shall take effect on the first Monday in April, 1878.

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CHAP. DCXIV.—*An Act to authorize certain payments by the Harbor Commissioners.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Payment of  
claims.

SECTION 1. The Board of State Harbor Commissioners are authorized to pay to Admiral John Rogers, U. S. Navy, Col. George H. Mendell, U. S. Engineers, and Prof. George Davidson, U. S. Coast Survey, an amount not exceeding one thousand dollars each for their services as Consulting Engineers, in the establishment of the new water front line of the Harbor of San Francisco.

SEC. 2. This Act shall take effect from its passage.

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CHAP. DCXV.—[See volume of *Amendments to the Codes.*]

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CHAP. DCXVI.—[See volume of *Amendments to the Codes.*]

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CHAP. DCXVII.—*An Act to appropriate money for the relief of the sufferers by the late floods.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation author-  
ized.

SECTION 1. The sum of five thousand dollars is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, to the Howard Benevolent Society of Sacramento.

SEC. 2. The Controller must draw his warrant in favor of said association, and the Treasurer must pay the same.

SEC. 3. This Act shall not be subject to the laws relative to the Board of Examiners, and shall be in force from and after its passage.

CHAP. DCXVIII.—*An Act to relieve the necessities of the San Francisco School Department.*

[Approved April 1, 1878.]

WHEREAS, The Board of Supervisors of the City and County of San Francisco, in pursuance of an Act to the Legislature, approved March 30th, 1874, lease the Lincoln School lot, fronting on Market Street, for the term of 20 years, the total income of which lease will be five hundred and thirty-six thousand and one hundred dollars, and there was issued against the said sum two hundred thousand dollars in twenty years six per cent. bonds, the total sum of which, including interest, will be four hundred and forty thousand dollars, thus leaving a balance of ninety-six thousand one hundred dollars; therefore,

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Mayor, Auditor, and Treasurer of the City and County of San Francisco are hereby authorized and required to issue school bonds for school purposes in the total sum of forty-three thousand five hundred dollars. Said bonds shall be payable in twenty years from the first day of May, one thousand eight hundred and seventy-eight, and shall bear interest at the rate of six per cent. per annum, which interest shall be payable on the first day of July and January, in the City and County of San Francisco. Said bonds shall be signed by the Mayor, Auditor, and Treasurer of said city and county, and the coupons attached to said bonds shall be signed by said Treasurer.

SEC. 2. The principal and interest of the said bonds shall be payable in gold coin of the United States of America, and the faith and credit of the City and County of San Francisco are hereby pledged for the redemption of said bonds and the payment of the principal and interest, in said gold coin of the United States of America, as set forth in this Act.

SEC. 3. As soon as the said bonds are issued, the Mayor, Auditor, and Treasurer of the City and County of San Francisco are hereby authorized, if there is any money in the several sinking funds under their control, to deposit the said bonds in the treasury of the City and County of San Francisco, and take therefrom in lieu thereof a sum, in gold coin, equal to the face value of the bonds so deposited, and if there is not sufficient money in said fund, or if at any time there should be a need for the sum of money so withdrawn from the said funds, then the Mayor, Auditor, and Treasurer are authorized to sell the remainder or the whole of said bonds to replace the money so taken out of the funds. Upon sale of said bonds for the purposes herein named, notice of such proposed sale shall be given by publication in two daily newspapers published in said city, for the period of not less than thirty days. Such notice shall specify the total amount of the bonds to be disposed of, the rate of

interest which they draw, and the time for redemption thereof, at the time fixed and specified in said notice. All sealed proposals therefor shall be opened by said named officers, or a majority of them, and the sale awarded to the highest bidder, in U. S. gold coin; *provided*, that said highest bid amount to ninety-nine per cent. of the nominal or par value of said bonds.

Special fund  
used for  
what,

SEC. 4. The money obtained from the disposal of the bonds, as provided for in Section 3 of this Act, shall be a special fund, under the control of the Board of Education of the City and County of San Francisco, for the sole purpose of purchasing school lots within that portion of San Francisco bounded as follows: Howard Street on the north, Townsend Street on the south, Sixth Street on the west, and Fourth Street on the east.

Principal  
and interest  
paid from  
what,

SEC. 5. The principal and interest of said bonds shall be paid, when due, by the Treasurer of the City and County of San Francisco, from moneys received from the lease of the school lot on the corner of Market and Fifth Streets, in said city and county, as provided for in an Act of the Legislature approved March 30th, eighteen hundred and seventy-four; and if at any time, through default in payment of rent or from other causes, said special fund shall be found insufficient to meet said interest or principal, it shall become the duty of the Board of Supervisors to pay the same out of the General Fund, and to levy a tax sufficient to meet the deficiency.

SEC. 6. All Acts and parts of Acts, so far as they are inconsistent with the provisions of this Act, are, for the purposes of this Act, are hereby repealed.

SEC. 7. This Act shall take effect from and after its passage.

#### CHAP. DCXIX.—*An Act to provide a sufficient number of deputies for the County Assessor of Santa Cruz County.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do hereby enact as follows:*

Deputies  
allowed.

SECTION 1. The Board of Supervisors of Santa Cruz County must allow the Assessor thereof such a number of deputies, to be appointed by him, as will, in the judgment of the Board, enable the Assessor to complete the assessment within the time prescribed by law.

Compensa-  
tion.

SEC. 2. The Board must fix the compensation of the deputies so allowed, and such compensation must be paid out of the General Fund in the county treasury. The compensation must not exceed five dollars per day for each deputy for the time actually engaged, nor must any allowance be made but for work done between the first Monday in March and the first Monday in July of each year.



SEC. 3. Section twenty of the Act entitled "An Act in relation to the county officers of Santa Cruz County," approved March 30th, 1876, so far as the same is applicable to the County Assessor of Santa Cruz County, is hereby repealed.

SEC. 4. This Act shall take effect and be in force from and its passage.

CHAP. DCXX.—*An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, in relation to accepted streets.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to suspend from the benefits of acceptance any portion of a street where the owner of the property fronting thereon shall hereafter fail to pay the assessments for the improvements which form the basis for acceptance by the corporate authorities.

SEC. 2. The Superintendent of Streets shall keep a thorough record in his office and list all property where the owner shall evade payment for the improvements which form the basis for acceptance, and he shall make a careful record of the same in a book or books kept for that purpose, showing correctly the portion of frontage in each block where the owners have paid their assessments, and the portion where payments have been evaded.

SEC. 3. The said Superintendent of Streets shall also keep a careful record of all expenditures hereafter made for repairs and renewals upon accepted streets, charging to each block separately the amount expended thereon, and in every block containing one or more lots hereby suspended for the benefits of acceptance, he shall charge up to each its due proportion per front foot of the whole cost, and the same shall become at once a valid lien upon the realty, and bear interest at the rate of ten per cent. per annum till liquidated by full payment into the city treasury; *provided*, that at the expiration of one year from the date of the expenditures, if the same is not paid, the same shall be marked "delinquent," and a list thereof shall be certified to the Tax Collector of the City and County of San Francisco, and said Tax Collector shall thereupon advertise the said property for sale to pay said delinquent assessment and interest due thereon, and the costs and charges of advertising the same, and six months thereafter shall execute a deed therefor, provided the said property shall not be redeemed; and if redeemed, fifty per cent. shall be added as a redemption fee therefor. Said certificate of sale and deed shall be in manner and form

as the certificates and deeds provided to be executed by the Tax Collector on the sale of property for delinquent taxes, and shall be conclusive evidence of the validity of the assessment and of all prior proceedings, and shall be subject to be declared invalid by proof only that the assessment for which the property was sold had been paid prior to the date of sale.

Property  
suspended  
from benefits  
may be re-  
stored; how.

SEC. 4. Any piece of property which shall be suspended from the benefits of acceptance through the operations of this law, may, at any time, be restored to its lost privileges, and the street in front of it accepted, by payment to the contractor who did the work the amount of the assessment against such lot for the improvement of which it was suspended, and upon filing a receipt therefor in the office of the Superintendent of Public Streets and Highways. It may also be restored by payment of said sum into the treasury of the City and County of San Francisco. All payments and collections of money under this Act shall be placed in a special fund, to be designated as the "Special Street Fund." And each payment or collection must be entered in a book to be kept by the Treasurer for that purpose, showing the amount collected, a description of the lot, with the date of the contract and assessment for the non-payment of which said lot was suspended, and the name of the contractor doing the work, as shown by the books of the Street Commissioner. The contractor who did the work in front of any lot suspended for non-payment of his assessment, or his assigns, shall be entitled to receive from the Treasurer all moneys paid into the treasury, either voluntarily by the lot owner, or collected under the provisions of section three of this Act, from time to time, as the same shall be paid into the treasury, up to the amount due him on said invalid assessment, and when he has been fully paid said lot shall be released from its disabilities, and the street in front thereof shall be accepted. Nothing in this law contained shall be construed so as to give any person a claim against said city and county for any money, unless the same shall have been first collected and paid into the treasury, in accordance with the provisions of this Act, and to the extent of such payment only. No lot shall be liable to pay any sum beyond the amount of the assessment for work done to place the same in condition to make the same an accepted street.

Contractor  
entitled to  
certain  
moneys.

Lawful to  
accept  
portion of  
street.

SEC. 5. It shall in future be lawful for the city authorities to accept any portion of a street, for future maintenance by the city, where it is clearly shown to their satisfaction that all the requisite improvements have been paid for by the owners of the property fronting thereon; but no portion of a street shall hereafter be accepted while the bills remain unpaid for the improvements which form the basis for acceptance.

SEC. 6. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall take effect from and after its passage.

CHAP. DCXXI.—[See volume of *Amendments to the Codes*.]

CHAP. DCXXII.—*An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That portion of Elm Street or Avenue extending from Polk Street towards Larkin Street, through only a portion of Block No. Six, Western Addition, in the City and County of San Francisco, which has not been used by the public as a thoroughfare, may be closed by the Board of Supervisors of said city and county, on petition of the majority of the owners of all the land fronting on said portion of Elm Street or Avenue.

Portion of street may be closed.

SEC. 2. This Act shall take effect immediately.

CHAP. DCXXIII.—[See volume of *Amendments to the Codes*.]

CHAP. DCXXIV.—*An Act amendatory of and supplementary to an Act entitled an Act to amend an Act entitled "An Act authorizing certain parties to improve a portion of King's River, and to erect booms thereon," approved March eighteenth, eighteen hundred and seventy-two, approved March twenty-seventh, eighteen hundred and seventy-six.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section one of said Act is hereby amended so as to read as follows: Section (1). Jesse Morrow, B. F. Moore, and John Sutherland, their associates and assigns, are hereby authorized and empowered, at their own expense, to improve that portion of King's River, in the County of Fresno, lying and being between the confluence of the middle fork of said river and a point in King's River where the township line between township thirteen and fourteen south crosses said river, by removing therefrom all obstructions to

Authorizing certain persons to make improvements.

the use of said river for floating timber, lumber, saw-logs, and wood down the same. The improvements of said river must be commenced within one year, and completed within two years from the date of passage of this Act, and said parties shall, within said period, expend, in the work of improving and making said river available and practicable for the uses and purposes aforesaid, a sum not less than fifteen thousand dollars in gold coin.

Construction  
of booms  
made lawful

SEC. 2. Section two of said Act is hereby amended so as to read as follows: Section (2). After the completion of the improvements of said river, mentioned in section one herein, it shall be lawful for the persons making such improvements to erect upon said river, at such points and in such manner as shall not prevent the use of the waters of said river for mechanical, irrigating, or milling purposes, or in any way interfere with or diminish the flow of water into the canals already constructed, or prevent the free use of the land lying on the margin thereof, and not lower down than that point in King's River where the township line between townships thirteen and fourteen crosses said river, in said county, a boom or booms, for the purposes of securing the wood, lumber, and timber being floated down said stream, and to maintain such boom or booms for the period of twenty years, and during such period to charge and collect, demand and receive, as toll and compensation for the use of said river, from each and every person and corporation using the same, at such rate per thousand feet of lumber, board measurement, and per cord of wood, as the Board of Supervisors of the County of Fresno shall fix and determine, from time to time, from and after the improvements have been made in King's River, as provided in the provisions of this Act.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. DCXXV.—*An Act supplemental to an Act entitled "An Act to legalize the assessment of taxes in the City and County of San Francisco, and to ratify and confirm a resolution of the Board of Supervisors of the City and County of San Francisco," approved March 19th, 1878.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Want of description,  
etc., shall  
not invalidate assessment.

SECTION 1. It is hereby provided that all suits that may be brought under the provisions of the Act to which this Act is supplemental, whether for State, and city, and county taxes, or either, may be brought in the name of the City and County of San Francisco, and no want of description or indescription, or uncertainty, or ambiguity of description of the property assessed upon the assessment rolls of said years, in said Act mentioned, or either of them, if it can be ascer-

tained or proved by the testimony of the Assessor of the City and County of San Francisco, or otherwise, what property is intended, shall invalidate the assessment, but the same shall be sufficient and be considered valid, both in law and equity.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DCXXVI.—*An Act to authorize the managers of orphan asylums to give their consent to the adoption of certain children under their care.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The managers of the several orphan asylums in this State are hereby authorized and empowered to consent to the adoption of any orphan child, or child abandoned by its parents, in the same manner that parents are by law authorized to consent to the adoption of their children; *provided, however*, that such orphan child, or child abandoned by its parents, shall have been in the charge and under the management of the managers of such orphan asylum for the period of one year prior to such adoption, and during that period supported wholly at the expense of said asylum.

Authorizing managers to consent to adoption of children.

SEC. 2. This Act shall take effect from the date of its passage.

CHAP. DCXXVII.—[See volume of *Amendments to the Codes*.]

CHAP. DCXXVIII.—*An Act to authorize the Board of Supervisors of Amador County to declare that portion of the Amador and Nevada wagon road which lies in Amador County a toll-road.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Amador County are hereby authorized to declare that portion of the Amador and Nevada wagon road which lies in Amador County a toll-road, to keep the same in repair, to adopt and make rules governing the travel thereover, and to fix the rate of tolls thereon; *provided*, that the Supervisors of said county

Toll-road declared.

shall have the right to declare said road a "free road" at any time, and all improvements that may be or that have been made on said road shall revert for the benefit of the County of Amador, without cost to said county.

SEC. 2. The tolls on said road shall not exceed the rates heretofore fixed by the Board of Supervisors of said county.

SEC. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. DCXXIX.—*An Act in relation to certain streets in the Town of Alameda.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Extension of  
certain  
streets au-  
thorized.

SECTION 1. The Board of Trustees of the Town of Alameda is hereby authorized, if it shall deem it necessary, to extend Santa Clara Avenue from its westerly termination to West End Avenue; to extend Railroad Avenue in a straight line and parallel with Pacific Avenue, of such width as said Board shall deem necessary, from Second Avenue to West End Avenue; to open, lay out, and extend Versailles Avenue, Pearl Street, and Broadway, or either of said streets, from the southerly termination thereof to the shore line of the Bay of San Francisco, or for any distance between said points; to open, lay out, and extend Clinton Avenue, Bay Avenue, and San José Avenue, from Park Street to High Street, or for any part of such distance; to widen Willow Street to a uniform width of sixty feet.

Power of  
Board.

SEC. 2. Said Board may, by ordinance, declare its intention to do one or more of the acts authorized in section one of this Act, and may adopt such means and pass such ordinances as may be necessary, in their judgment, to make compensation to owners of any property taken, and to assess and collect the entire cost and expense upon the property deemed and declared by said Board to be benefited; *provided*, that no assessment for benefits shall be made, excepting against the property fronting on the proposed street or extension of a street; and for these purposes may appoint Commissioners, and provide for carrying out the purposes of this Act without the intervention of judicial proceedings.

Repeal.

SEC. 3. The Act entitled an Act to provide for opening streets in the Town of Alameda, approved March 23, 1876, is hereby repealed.

SEC. 4. This Act shall take effect immediately.

CHAP. DCXXX.—*An Act to provide a Contingent Fund for the use of the Legislature.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of twenty-five hundred (2,500) dollars is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to defray the contingent expenses of the Senate at the twenty-second session of the Legislature, and said amount shall be subject to its order; and the sum of one thousand five hundred dollars (\$1,500) is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to defray the contingent expenses of the Assembly at the twenty-second session of the Legislature, and said amount shall be subject to its order. Appropriation authorized.

SEC. 2. The moneys hereby appropriated shall be exempt from the provisions of section six hundred and seventy-two of the Political Code. Exemption.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. DCXXXI.—*An Act to amend an Act entitled an Act to enable the Board of Supervisors of the City and County of San Francisco to increase the police force of said city and county, and provide for the appointment, regulation, and payment thereof, approved April 1st, 1878.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section six of the Act entitled an Act to enable the Board of Supervisors of the City and County of San Francisco to increase the police force of said city and county, and provide for the appointment, regulation, and payment thereof, approved "April 1st, 1878," is hereby amended so as to read as follows: Section six. The Board of Supervisors of said city and county shall include in the tax levy for the fiscal year commencing on the first day of July, A. D. 1878, a sum and rate sufficient to pay all such registered demands on the treasury, with said interest, and also for the future payment of the salaries of said new police; and from the time money comes into the treasury sufficient to pay off all of said registered demands, then, and from such time forth, said new police shall be paid in cash in the same manner as the old police are paid. Additional sum to be included in tax levy.

SEC. 2. This Act shall take effect immediately.

CHAP. DCXXXII.—*An Act for the improvement of certain public reservations in the City and County of San Francisco.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Ad valorem  
property  
tax.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and directed to levy and collect, annually, for the fiscal year commencing July first, eighteen hundred and seventy-eight, and ending June thirtieth, eighteen hundred and seventy-nine, and for the next fiscal year thereafter, in the same manner and at the same times as other taxes in said city and county are levied and collected, an ad valorem property tax on real and personal property within said city and county of one cent on each one hundred dollars of value, as shown by the assessment of the said county for the current fiscal year; said money so collected shall be placed in said treasury and credited to the Park Improvement Fund.

SEC. 2. All Acts and parts of Acts in conflict and inconsistent with any of the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAP. DCXXXIII.—*An Act to change the grades of certain streets in the City and County of San Francisco.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Grades  
established.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered, without the petition of property owners therefor, to establish the following grades: The grade of the crossing of Franklin and Green Streets at ninety-four feet above base, instead of seventy-four feet above; the grade of the crossing of Franklin and Lombard Streets at sixty-four feet above base, instead of fifty feet above; the crossing of Van Ness Avenue and Green Streets at one hundred and five feet above base, instead of ninety feet above; the crossing of Van Ness Avenue and Greenwich Street at one hundred feet above base, instead of ninety feet above; the crossing of Van Ness Avenue and Lombard Street at ninety-five feet above base, instead of eighty feet above; the crossing of Polk and Greenwich Streets at one hundred and sixty feet above base, instead of one hundred and forty feet above.

SEC. 2. The grades of said several streets intermediate



the main street crossings herein named and contiguous thereto shall conform to the grades as herein established.

SEC. 3. This Act shall take effect on the first day of July, eighteen hundred and seventy-eight.

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CHAP. DCXXXIV.—[See volume of *Amendments to the Codes.*]

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CHAP. DCXXXV.—*An Act to extend the jurisdiction of the Park Commissioners over a certain highway in the City and County of San Francisco.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Order number one thousand four hundred and sixteen of the Board of Supervisors of the City and County of San Francisco, approved December seventh, one thousand eight hundred and seventy-seven, is hereby ratified and confirmed, and the road therein mentioned, commencing at Central Avenue and extending to the Pacific Ocean, and purchased under said order, together with the personal property purchased with said road, is hereby placed under the control and management of the Park Commissioners having charge of Golden Gate Park, who shall have all the powers, and be subject to the same duties respecting said road, as if the same had been originally part of said park, and all Acts relating to said park, so far as the same may be applicable, are hereby extended to said road.

Road placed under control of Park Commissioners

SEC. 2. The said Board of Supervisors are hereby authorized and directed to include in their tax levy for the coming fiscal year, an amount sufficient to make the payment provided to be made in section one of said order, with interest thereon from the date of the approval of said order, which taxes under said levy shall be levied as other municipal taxes, and paid into the General Fund, and disbursed in discharge of said indebtedness.

Sum to be included in tax levy.

SEC. 3. This Act shall take effect and be in force from and after its passage.

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CHAP. DCXXXVI.—[See volume of *Amendments to the Codes.*]

CHAP. DCXXXVII.—*An Act for the relief of Richard Dudding and William Johnson.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation authorized.

SECTION 1. The sum of one hundred and fifty-four dollars is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, to pay the claims of Richard Dudding and William Johnson, and the Controller of State is hereby authorized to draw his warrants in favor of Richard Dudding for the sum of one hundred dollars, and in favor of William Johnson for the sum of fifty-four dollars, and the Treasurer of the State is directed to pay the same. This Act shall take effect on and after its passage.

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CHAP. DCXXXVIII.—[See volume of *Amendments to the Codes.*]

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CHAP. DCXXXIX.—[See volume of *Amendments to the Codes.*]

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CHAP. DCXLI.—*An Act making an appropriation for the benefit of the Southern California Horticultural Society.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation authorized.

SECTION 1. The sum of twelve hundred and fifty dollars per annum for the present fiscal year and for the next fiscal year, respectively, is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the benefit of the Southern California Horticultural Society; and the Controller of State is hereby directed and authorized to draw his warrant in favor of said society, upon the requisition of the President and Secretary of the same, for said sum of twelve hundred and fifty dollars per annum as hereinbefore provided, and the Treasurer of State is authorized and directed to pay the same.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DCXII.—*An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

CHAPTER ONE.

SECTION 1. On or before the first Monday of May, A. D. eighteen hundred and seventy-eight, the Governor shall appoint a competent person, to be styled the Commissioner of Transportation, who shall be the legal successor of the present Board of Commissioners of Transportation, and who shall hold office for the period of four years, and until his successor is appointed and qualified. Commissioner of Transportation.

SEC. 2. Before entering upon the duties of his office, said Commissioner shall take an oath or affirmation that he will faithfully discharge his duties as such Commissioner, that he is not an officer or employé of any railroad corporation or company, or in any way interested therein, that he is not a stockholder, officer, or employé of, or in any way interested in any express or freight company doing business on any railroad in the United States. He shall execute and file in the office of the Secretary of State an official bond, with sufficient sureties, to be approved by the Governor, in the penal sum of ten thousand dollars, for the faithful performance of his duties under this Act. Commissioner to take oath.

SEC. 3. Said Commissioner shall keep his office in the State Capitol. He shall be allowed a contingent fund, not exceeding fifty dollars per month, for the contingent expenses of his office, and may appoint a Secretary, who shall receive a salary of twenty-four hundred dollars per annum. Office.

SEC. 4. It shall be the duty of said Commissioner, whenever he shall deem it necessary, to inspect all railroads operated by steam power (except street railroads) within this State, and to examine the same with reference to the security and accommodation of the public, and if, on such examination, in his opinion any of the tracks, bridges, or other structures or works thereof are unfit for the transportation of passengers with reasonable safety, it shall be his duty to give the Superintendent or other executive officer of the corporation or company working or operating such defective track, bridge, structure, or work, notice of the condition thereof, and of the repairs necessary to place the same in a safe condition; and if any such Superintendent or other executive officer receiving such notice shall willfully neglect to commence repairing the same for the period of two days after receiving such notice, such Superintendent or other executive officer shall be deemed guilty of a misdemeanor. Duty of Commissioner.

SEC. 5. Whenever a petition, signed in good faith by fifty or more property holders residing within ten miles of any Petition.

proposed station, switch, or side track upon any railroad included within the provisions of this Act, shall be presented to said Commissioner, praying for the establishment of a new station, switch, or side track, the Commissioner shall notify the managers of such railroad of such petition, and appoint a time and place of hearing the same. If, upon such hearing, it shall appear that such station, switch, or side track ought to be established the Commissioner shall so determine, and at the same time designate a reasonable time within which the same shall be done, and give due notice thereof, in writing, to said managers; *provided*, that said Commissioner shall not require such new station, switch, or side track to be established within less than five miles of one already established.

Copy of Act  
to be served  
on railroad  
corporations.

SEC. 6. Within thirty days after the passage of this Act said Commissioner shall cause a copy of the same to be served upon every such railroad corporation engaged in the business of transportation within this State, and within ten days after such service it shall be the duty of such corporation to file in the office of said Commissioner, and in the office of the Secretary of State, and in the office of the County Clerk of each county in which the road is located, a copy, verified by the oath or affirmation of the President or other chief executive officer, of all and singular the tariffs and rates of freight, passage money, commutation rates, and charges lawfully in force, together with copies of all their rules, regulations, and instructions to employes concerning the carriage of persons and merchandise under which the road was being operated on the first day of January, eighteen hundred and seventy-eight, and it shall not be lawful for any of said corporations to increase any rates of freight or passage, or to raise the classification of any species of goods, or to change any rule or instruction to employes in such manner as to increase the cost of transportation over and above the rates charged in such tariff, or in use on the first day of January, eighteen hundred and seventy-eight; *provided*, that any such railroad company may issue excursion tickets at reduced rates for special trains, or between certain places, and for a fixed time.

Annual  
reports to  
be made.

SEC. 7. It is hereby made the duty of the President, or other executive officer, of each and every railroad company having a line of railroad in this State (except street railroads), to make an annual report, verified by his oath, on or before the first day of July of each year, to said Commissioner, for the year ending on the thirty-first day of December preceding, and said report shall supersede all other annual reports now required by law to be made by any railroad company to any officer of the State, and which report shall state:

Contents of  
report.

1. Capital stock authorized by charter, \$—.
2. Capital stock authorized by votes of company, \$—.
3. Capital stock issued (number of shares —); amount paid in.
4. Capital stock paid in on shares not issued (number of shares —).

5. Total amount paid in as per books of the company.
6. Amount of capital stock issued but not full paid (\$——). Contents of report.
7. Amount per share still due thereon (\$——).
8. Par value of shares issued (\$——).
9. Total number of stockholders, —.
10. Number of stockholders in California, —.
11. Amount of stock held in California, —.

DEBT.

12. Funded debt as follows:  
 — bonds due, —;  
 Rate of interest, —;  
 Interest paid on same during year (\$——);  
 — bonds due, —;  
 Rate of interest, —;  
 Interest paid on same during year (\$——);  
 — bonds due, —;  
 Rate of interest, —;  
 Interest paid on same during year (\$——);  
 Certificates of indebtedness, —;  
 Interest paid on same during year (\$——).
13. Total amount of funded debt, —.
14. Unfunded debt as follows:  
 Incurred for construction, equipment, or purchase of property, —;  
 All other debts, current credit, balances, etc.
15. Total amount of unfunded debt, —.
16. Total gross debt liabilities, —.
17. Amount of cash, materials, and supplies on hand, sinking funds in hands of Trustees, and such securities and debit balances as represent cash assets, specifying each, —.
18. Total net debt liabilities as per books of the company, —.
19. Amount of bonds or stock of other companies, guaranteed principal, on [or?] interest, or on which interest is paid by this company, giving name of each, —.
20. Amount of claims against the company which, for any reason, have not been entered upon the books, —.

COST OF ROAD, EQUIPMENT, AND PROPERTY—ROAD AND BRANCHES.

1. Grading and masonry, —.
2. Bridging, —.
3. Superstructure, including rails, —.
4. Land, land damages, and fences, —.
5. Passenger and freight stations, —.
6. Engine houses, car sheds, and turn-tables, —.
7. Machine shops, including machinery and tools, —.
8. Interest paid during construction, discount, etc., —.
9. Engineering, agencies, salaries, and other expenses during construction, —.

Contents of  
report.

10. — branch:  
Original cost (\$—);  
Purchased for (\$—).
11. Total cost of construction, —.

## EQUIPMENT.

12. Locomotives, —; number, (—).
13. Snow plows on wheels, (—).
14. Parlor cars, (—).
15. Sleeping cars, (—).
16. Passenger, mail, and baggage cars, (—).
17. Freight and other cars, (—).
18. Total for equipment, (—).

PROPERTY PURCHASED AND ON HAND, NOT INCLUDED IN THE  
FOREGOING ACCOUNTS.

19. Lands in —; (if not used in business of road, so state).
20. Stock of road.  
— shares purchased for, —.
21. Bonds of —;  
Nominal amount, —.
22. Other securities, viz.: —.
23. Steamboat property, —;  
Nominal amount, —.
24. Investments in transportation lines;  
Nominal amount;  
Purchased for —.
25. Other property purchased, —.
26. Total for property purchased, etc., —.
27. Whole amount of permanent investments, —.
28. Property in California.
29. Amount of supplies and materials on hand, —.
30. Cash and cash assets, —.
31. Total property and assets of the company, —.
32. Amount of sinking and contingent funds, and their  
purpose ----- (—).  
----- (—).  
----- (—).

EXPENDITURES CHARGED TO PROPERTY ACCOUNT DURING  
THE YEAR.

1. Grading and masonry, —.
2. Bridging, —.
3. Superstructure, including rails, —.
4. Land, land damages, and fences, —.
5. Passenger and freight stations, —;  
Wood sheds and water stations, —.
6. Engine houses, car sheds, and turn-tables, —.
7. Machine shops, —.
8. Engineering, agencies, salaries, and other expenses  
during construction, —.
9. Locomotives, —; number (—).
10. Snow plows on wheels (—).

11. Parlor cars, — (—).
12. Sleeping cars, — (—).
13. Passenger, mail, and baggage cars, (—).
14. Freight and other cars, (—).
15. Purchase of other roads, specifying what, —.
16. Subscriptions or loans to other roads, specifying same —.
17. Any other expenditures charged to property account, specifying same, —.
18. Total, —.
19. Property sold and credited property account, during the year, specifying same, —.
20. Net addition to property account for the year.

REVENUE FOR THE YEAR

1. Derived from local passenger, on roads operated by this company, —.
2. Derived from passengers from and to other roads over roads operated by this company, —.
3. Derived from other roads as toll or for use of passenger cars, —.
4. Derived from other sources belonging to passenger department, —.
5. Derived from express and extra baggage, —.
6. Derived from mails.
7. Total earnings from passenger department, —.
8. Derived from local freight on roads operated by this company, —.
9. Derived from other roads as tolls, or for the use of freight cars, —.
10. Derived from freight from and to other roads on joint tariff, —.
11. Derived from other sources belonging to freight department, —.
12. Total earnings from freight department, —.
13. Derived from rents for use of road and equipment, when leased, —.
14. Total transportation earnings, —.
15. Earnings per mile of road operated, —.
16. Per train mile (total passenger and freight) —.
17. Income derived from rent of property, other than road and equipment, specifying same, —.
18. Income derived from all other sources (including accretions from sinking funds, investments in stocks, bonds, steamboat property, transportation lines, etc., specifying same), —.
19. Total income derived from all sources, —.

EXPENSES FOR OPERATING THE ROAD FOR THE YEAR—CLASS  
ONE—GENERAL TRAFFIC EXPENSES.

1. Taxes, State and local.
2. General salaries, office expenses, and miscellaneous, not embraced in classes three and four.

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report.

3. Insurance premiums, and losses by fire, and damages for fires set by engines.
4. Telegraph expenses.
5. Total —.
6. Proportion belonging to passenger department.
7. Proportion belonging to freight department.

CLASS TWO—MAINTENANCE OF WAY AND BUILDINGS, AND  
MOVEMENT EXPENSES.

1. Repairs of road (exclusive of bridges, new rails, and new ties).
2. Iron rails laid, deducting old rails taken up (number of miles); weight per yard (—).
3. Steel rails laid, deducting old rails taken up (number of miles) —; weight per yard —.
4. New ties (number, —); cost, —.
5. Repairs of bridges, —.
6. Repairs of buildings and fixtures (stations and turntables), —.
7. Repairs of, and additions to, machine shops and machinery, —.
8. Repairs of fences, road crossings, and signs, —.
9. Removing ice and snow, —.
10. Repairs of locomotives, —.
11. New locomotives charged to operating expenses, —.
12. Repairs of snow plows, —.
13. New snow plows (charged to operating expenses), —.
14. Fuel for engines and cars:  
— cords of wood, cost, \$ —;  
— tons of coal, cost, \$ —.
15. Water and water stations, —.
16. Fuel for station and shops, —.
17. Oil and waste, —.
18. Switchman, watchman, flag, and signalmen, —.
19. Total, —.
20. Proportion of same to passenger department, —.
21. Proportion of same to freight department, —.
22. Of the above, there was expended for other than ordinary repairs, —.

CLASS THREE—PASSENGER TRAFFIC EXPENSES.

1. Repairs of passenger, mail, and baggage cars, —.
2. New passenger, mail, and baggage cars (charged to operating expenses), —.
3. Damages and gratuities, passengers, —.
4. Salaries, wages, and incidentals of passenger trains,  
—.
5. Salaries, wages, and incidentals of passenger stations,  
—.
6. Amount paid other corporations or individuals not operating roads for use of passenger cars, and repairs of same, —.



7. Amount paid other roads for balance of mileage of passenger cars. —.
8. Total. —.

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report.

CLASS FOUR—FREIGHT TRAFFIC EXPENSES.

1. Repairs of freight cars, —.
2. New freight cars (charged to operating expenses), —.
3. Damages and gratuities, freight, —.
4. Salaries, wages, and incidentals of freight trains, —.
5. Salaries, wages, and incidentals of freight stations, —.
6. Paid corporations or individuals not operating roads for use of freight cars. —.
7. Amount paid other roads for balance of mileage of freight cars, —.
8. Total, —.
9. Total expenses of operating the road, embraced in classes one, two, three, four, —.
10. Per train mile (total passenger and freight), —.
11. Percentage of expenses to total transportation earnings, —.
12. Amount paid other companies as rent for use of road, specifying each company, the amount and basis on which rent is computed, —.
13. Total expenses, —.

NET INCOME, DIVIDENDS, ETC.

1. Total net income, —.
2. Percentage of same to capital stock, and not [net?] debt, —.
3. Percentage of same to total property and assets, (—).
4. Interest accrued during the year, —.  
On funded debt, (—).  
On other debt, (—).  
Total, —.
5. Dividends declared, — per cent. for the year; amount, —.
6. Date of last dividend declared, —.
7. Balance for the year or surplus, —.
8. Surplus at commencement of the year, (—).  
Deduct or add entries made in profit and loss account during the year not included in the foregoing statement —.
9. Surplus at commencement of the year as changed by aforesaid entries —.
10. Total surplus December thirty-first, eighteen —.
11. Paid to sinking funds in hand of Trustees, —.

EARNINGS, EXPENSES, NET EARNINGS, ETC., OF PASSENGER DEPARTMENT.

1. Total earnings from passenger department, as per "Revenue for the Year," number seven, —.
2. Per passenger train mile, —.

Contents of  
report.

3. Expenses, proportion of General Traffic Expenses, as per class one, No. six, —.
4. Expenses, proportion of "Maintenance of Way and Buildings and Movement Expenses," as per class two, No. twenty, —.
5. Expenses —; Passenger Traffic, as per class three, No. eight, —.
6. Total expenses, —.
7. Per passenger train mile, —.
8. Net earnings, —.
9. Per passenger train mile, —.

#### RECEIPTS, EXPENSES, NET EARNINGS, ETC., OF FREIGHT DEPARTMENT.

1. Total earnings from freight department, as per "Revenue for the Year," No. twelve, —.
2. (Per freight train mile), —.
3. Expenses, —; proportion of "General Traffic Expenses," as per class one, No. seven, —.
4. Expenses, proportion of "Maintenance of Ways and Buildings, and Movement Expenses," as per class two, No. twenty-one, —.
5. Expenses, "Freight Traffic," as per class four, No. eight, —.
6. Total expenses, —.
7. (Per freight train mile, —).
8. Net earnings, —.
9. (Per freight train mile, —).

#### GENERAL BALANCE SHEET AT CLOSING OF ACCOUNTS, DECEMBER THIRTY-FIRST, EIGHTEEN —.

Cost of road.  
 Cost of equipment.  
 Other investments.  
 Supplies and materials on hand.  
 Sinking funds in hands of Trustees.  
 Cash, cash assets, and other items (specifying same).  
 Capital stock.  
 Funded debt.  
 Other debts (specifying same).  
 Profit and loss account for the year ending December thirty-first, eighteen —.

#### DESCRIPTION OF ROAD.

1. Date when the road or portions thereof were opened for public use.  
 From — to —.  
 From — to —.  
 From — to —.  
 From — to —.
2. Length of main line of road.  
 From — to —.

Length of main line in California.

[Length of main line in] other States.

3. Length of line with track laid, if road is not completed,

4. Length of double track on main line, —.

5. Branches owned by the company, —; (track, —); length, —.

Names and description of; single or double track (track, —); length, —.

6. Total length of branches owned by the company, —.

7. Total length of branches owned by the company in California.

8. Total length of branches owned by the company in other States, —.

9. Length of double track on branches, —.

10. Total length of road belonging to this company, —.

11. Aggregate length of siding and other tracks not enumerated above, —.

12. Same in California, —.

13. Aggregate length of track belonging to this company, computed as single track, —.

14. Same in California, —.

15. Total length of steel rail in tracks belonging to this company, not including steel top rails, —; weights per yard, (—).

16. Number of spans of bridges of twenty-five feet and upwards, —.

17. Number of iron bridges; aggregate length, — feet; (—).

18. Number of wooden bridges; aggregate length, — feet; (—).

BRIDGES BUILT WITHIN THE YEAR IN CALIFORNIA.

Location.	Kind.	Material.	Length.	When built.

19. Number of crossings of highways at grade, —.

20. [Number of crossings of highways] over railroad, —.

21. [Number of crossings of highways] under [railroad].

22. [Number] of highway bridges, eighteen feet above track.

23. [Number of highway bridges] less than [eighteen feet above track].

24. [Number of] crossings at which gates or flagmen are maintained, —.

25. [Number of] crossing at which electric signals are maintained, —.

26. [Number of] crossing at which there are neither electric signals, gates, nor flagmen, —.

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report.

27. Number of railroad crossings at grade, specifying each, —.

28. [Number of railroad] crossings over other roads, specifying same, —.

29. Number of railroad crossings under other railroads, specifying each, —.

ROADS BELONGING TO OTHER COMPANIES OPERATED BY THE  
COMPANY UNDER LEASE OR CONTRACT.

30. Name, description, and length of each.

Name.	Description.	Length.
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32. [31?] Total length of above roads, —.

33. [32?] [Total length of above roads] in California, —.

34. [33?] [Total length of above roads in] other States, specifying each, —.

34. Total miles of road operated by this company, —.

35. Total miles of road operated by this company in California, —.

36. Number of stations on all roads operated by this company, —.

37. Number of stations on all roads owned by this company, —.

38. Same in California, —.

39. Miles of telegraph on line of road operated by this company, —.

40. Miles of telegraph owned by this company, —.

41. Number of telegraph offices in company's stations, —.

42. Number of telegraph stations operated by this company.

43. Number of telegraph stations operated jointly by railroad and telegraph companies, —.

ROLLING STOCK.

1. Locomotives, average weight of engines in working order.

[Locomotives] maximum weight of engines.

2. Tenders, average weight of tenders full of fuel and water.

[Tenders] maximum weight of tenders [full of fuel and water].

Average joint weight of engines and tenders.

3. Length of heaviest engine and tender from center of forward truck wheel of engine to center of rear wheel of tender.

4. Total length of heaviest engine and tender over all.

5. Snow plows (average weight).

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report

6. Passenger cars [average weight].  
[Passenger cars] maximum [weight].
7. Mail and baggage cars (average weight).
8. Eight-wheel box freight cars.
9. Four-wheel box freight cars (average weight).
10. Eight-[wheel] platform cars ([average weight]).
11. Four-[wheel platform cars] ([average weight]).
12. Other cars, coal and gravel ([average weight]).
13. Total market value.
14. [Total] freight cars, including coal, etc., on a basis of eight wheels.
15. Number locomotives equipped with train brakes; kind of brake.
16. Number of cars equipped with train brakes; kind of brake.
17. Number of passenger cars, with Miller platform and buffer.

MILEAGE, TRAFFIC, ETC.

1. Miles run by passenger trains, —.
2. Rate of speed of express passenger trains, including stops, (—.)
3. Rate of speed of accommodation trains, including stops, (—.)
4. Miles run by freight trains, —.
5. Rate of speed of express freight trains, including stops, (—.)
6. Rate of speed of accommodation freight trains, including stops, (—.)
7. Miles run by other trains, and for what purpose.
8. Total train miles run.
9. Total number of passengers carried.
10. Total passenger mileage, or passengers carried one mile.
11. Passenger mileage to and from other roads.
12. Number of tons carried (not including gravel).
13. Total freight mileage, or tons carried one mile.
14. Freight mileage to and from other roads.
15. Highest rate of fare per mile for any distance (exceeding one mile).
16. Lowest rate of fare per mile for any distance; (single fare).
17. Average rate of fare per mile; (not including season tickets,) received from local passengers on roads operated by this company.
18. Average rate of fare per mile received from passengers to and from other roads.
19. Average rate of fare per mile for season ticket passengers receiving [reckoning?] one round trip per day to each ticket.
20. Average rate of fare per mile for all passengers.
21. Highest rate of freight per ton per mile for any distance.
22. Lowest rate of freight per ton per mile for any distance.
23. Average rate of local freight per ton per mile on roads operated by this company.

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report.

24. Average rate of freight per ton per mile to and from other roads.
25. Average rate of freight per ton per mile for all.
26. Average number of cars in passenger trains (including baggage cars).
27. Average number of cars in freight trains, basis of eight-wheel.
28. Average weight of passenger trains, including locomotives and tenders in working order, exclusive of passengers.
29. Average weight of freight trains, including locomotive and tender in working order, exclusive of freight.
30. Number of persons regularly employed by company, including officers.

#### RELATING TO PASSENGERS.

1. Total season ticket passengers (round trip).
2. Passengers to San Francisco (including season).
3. Passengers from San Francisco (including season).
4. Season ticket passengers to and from San Francisco (one round trip daily).

#### LIST OF ACCIDENTS IN CALIFORNIA.

	From causes beyond their own control—in California.		From their own misconduct or carelessness—in California.		Total in California.		Total on whole road operated.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Passengers								
Employés								
Others								

Statement of each accident in California:

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Powers and  
duties of Com-  
missioner.

SEC. 8. For the purpose of testing the accuracy of the report required by the seventh section of this chapter, said Commissioner shall have power to examine the books and papers of any railroad corporation or company, and also any officer, agent, or employé of any railroad corporation or company in relation to the matters and things specified or contained therein, under oath.

SEC. 9. Said Commissioner shall cause to be prepared and printed suitable blanks for the annual report mentioned in section seven of this chapter, and shall furnish the same to the several corporations in season to be filled in and returned

to the Commissioner on or before the first day of July of each year. He shall also submit to the Legislature, on the first day of its next session, said annual report, together with his deductions therefrom, and such recommendations as he may desire to make concerning the management and operation of railroads in this State. There shall be printed two thousand five hundred copies of the report of the Commissioner of Transportation.

Powers and  
duty of Com-  
missioner.

SEC. 10. Whenever the Directors of any railroad company shall fail to agree with the municipal authorities of any town or city, as to the route of their railroad in such town or city, either party may petition said Commissioner to fix the route in said town or city, and said Commissioner, after due notice to the other party, shall hear the case and fix the route in said town or city.

SEC. 11. It shall be the duty of said Commissioner, upon the petition of either party, after twenty days' notice to the other, to hear and determine the following cases: The compensation to be paid by one railroad corporation or company to another connecting therewith, for receiving, transferring, forwarding, and transporting cars, passengers, and freights, having reference to the convenience and interest of the corporation, and the public to be accommodated thereby; to determine what accommodations are required therefor, including terminal accommodations, and to fix the compensation to be paid for the same; to fix time-tables between different roads for points of junction.

SEC. 12. Any award made by said Commissioner shall be binding upon the respective corporations and parties interested therein, until the same shall have been revised or altered by said Commissioner, or reversed on appeal to the Supreme Court, as hereinafter provided.

SEC. 13. Any award made by said Commissioner shall be returnable, with the evidence, on the request, in writing, of any party affected thereby, and filed within thirty days after the rendition of such award, in the County Court of the county in which the controversy arose; and shall be then subject to revision in the same manner as if said Commissioner had derived his power to act in the premises under the appointment of said Court, with the right of appeal to the Supreme Court as in other cases.

SEC. 14. Any person traveling on any such railroad in this State, desiring to stop over at any station between the point of his departure and destination, shall, upon request, be entitled to receive from the conductor of its train, without further charge thereon, a stop-over ticket, which shall be good for the remainder of his journey, and may be used at any time within one year after it shall have been issued.

Stop-over  
ticket.

SEC. 15. If any passenger shall neglect to procure a ticket from the ticket office of the company at the station where he shall take passage, having an opportunity so to do, it shall be lawful for the company to demand and collect from him, in addition to the fare, as fixed by the regular tariff of such company, the sum of ten cents (in all cases where such

Extra fare

fare is less than one dollar, and at the rate of ten per cent. on all fares in excess of one dollar).

Commissioner to examine into complaints.

SEC. 16. It shall be the duty of the Commissioner to examine into all complaints made in writing as to unjust discrimination between persons or places, and to endeavor, by amicable interposition, to bring about such changes in tariff or rules as shall, in his judgment, promote the public interest, and shall report all such cases with the results of his investigation and interposition to the Governor.

Terms of transportation to be uniform.

SEC. 17. The terms of transportation over railroads for goods of like class and like quantities shall be uniform to all persons, and any rebate, discount, or other favor, concession, or privilege granted to one person from a company shall be equally open to all others applying on like terms.

Provisions made applicable.

SEC. 18. The provisions of this Act shall be applicable to all railroads, the cars of which are propelled by steam (except street railroads) now or hereafter to be operated by corporations, trustees, companies, or individuals in this State.

Commissioner to assume duties without delay.

SEC. 19. The said Commissioner of Transportation shall qualify and enter upon the discharge of the duties of his office within ten days after his appointment as hereinbefore provided. He shall, without unreasonable delay, demand and receive from the Commissioners of Transportation, appointed under an Act entitled an Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State, approved April third, eighteen hundred and seventy-six, any and all books, records, documents, papers, tables, maps, plans, stationery, fuel, furniture, and property of all kinds belonging to the State in their office, or in their custody or under their control, and it is hereby made their duty to deliver them to him.

Salary.

SEC. 20. The Commissioner of Transportation shall receive a salary of four thousand dollars per annum, which, with that of the Secretary herein provided, shall be paid by the State of California in the same manner as the salaries of State officers are paid. The Commissioner and his Secretary shall be transported free of charge over the various railroads within this State, in the discharge of their official duties.

#### CHAPTER TWO.—EXTORTIONS, DISCRIMINATIONS, FORFEITURES, AND PENALTIES.

Extortion.

SECTION 1. A railroad company shall be deemed guilty of extortion in the following cases:

*First*—When it shall willfully charge, demand, or receive from any passenger, as his fare from one station or place to another, any greater sum than is specified as the fare between such stations or places, for the same class of passage and in the same direction, in its tariff of fares on file with the Commissioner of Transportation.

*Second*—When it shall willfully charge, demand, or receive from any person or persons, as the rate of freight on goods or merchandise, any greater sum than is specified as the rates



for the like quantity of goods or merchandise of the same class, between the same places, and in the same direction, in its printed tariff of freights on file with said Commissioner.

*Third*—When it shall willfully charge, collect, or receive from any person or persons a greater amount of rate of toll, or compensation, than it shall at the same time charge, collect, or receive from any other persons for receiving, handling, storing, or delivering freight of the same class and like quantity at the same place.

*Fourth*—When it shall willfully charge, demand, or receive from any person or persons any greater sum for passage or freight than from any other person or persons, between the same places, in the same direction, for the same class of passage, or for the like quantity of goods of the same class.

*Fifth*—When it shall willfully charge, demand, or receive as compensation for receiving, storing, handling, or delivering, or for transporting any lot of goods or merchandise any greater sum than it shall, by or through any of its authorized agents, wherever situated, have agreed to charge for such services previously to the performance thereof.

SEC. 2. A railroad company shall be deemed guilty of unjust discrimination in the following cases:

*First*—When it shall directly or indirectly willfully charge, demand, or receive from any person or persons any less sum for passage or freight than from any other person or persons (except as in this Act herein provided), at the same time, between the same places, and the same direction, for the like class of passage, or for the like quantity of goods of the same class.

*Second*—When it shall directly or indirectly willfully charge, demand, or receive from any person or persons, as compensation for receiving, handling, storing, or delivering any lot of goods or merchandise, any less sum than it shall charge, collect, or receive from any other person for the like service, to a like quantity of goods of the same class, at the same place.

SEC. 3. It shall be unlawful for any such railroad company to grant free passes for travel within this State, except to the following persons:

*First*—Directors, officers, agents, and employes of the company, and their families.

*Second*—Officers, and agents, and railroad contractors of other railroads, and telegraph, express, stage, and steamboat or steamship companies.

*Third*—Destitute persons.

*Fourth*—The Commissioner of Transportation, and his Secretary and employes, when traveling in the discharge of their official duties.

*Fifth*—Public messengers, troops, and other persons who are, under existing laws, or any contract of such railroad company with this State, to be transported free of charge.

Every such railroad company shall keep a record of all free passes issued by it, except such as are issued by it to officers, agents, employes, and their families, and of the several classes thereof, and of the number of times each pass shall be used,

and shall report the same to the Commissioner of Transportation whenever required.

Penalties.

SEC. 4. If any such railroad company shall be guilty of extortion, as defined in section one of this chapter, it shall forfeit and pay to the person or persons aggrieved three times the amount of the damages sustained by him or them, together with the costs of suit, to be recovered in any Court of competent jurisdiction.

SEC. 5. If any such railroad company shall be guilty of unjust discrimination, as defined in section two of this chapter, it shall forfeit and pay the sum of one thousand dollars for each offense.

SEC. 6. If any such railroad company issues free passes to any person or persons, other than those specified in section three of this chapter, or if any such company or any of its conductors shall permit any person whatever to travel free upon its cars, except upon the exhibition of free passes issued as provided in said section, such company or conductor shall forfeit and pay, for each offense, the sum of one hundred dollars.

SEC. 7. If any such railroad company refuses or neglects to comply with the award of the Commissioner, provided in section five of chapter one of this Act, it shall forfeit the sum of one hundred dollars per day from the time designated by the Commissioner for the completion of the work required until such work shall be actually completed.

SEC. 8. If any such railroad corporation neglects or refuses to file its tariff of freights and fares, as provided in section six, or to make its annual report, as provided in section seven of chapter one of this Act, it shall forfeit not less than one hundred nor more than one thousand dollars per day for each and every day of such neglect or refusal.

SEC. 9. Any person aggrieved thereby, who may be unable to obtain satisfaction from the proper officers of any railroad in this State, may report to the Commissioner of Transportation any violations of the provisions of this Act by any railroad company doing business therein, or by any of its officers, agents, or employes, and it shall be the duty of the Commissioner to make a prompt investigation of such charges.

Duty of  
District  
Attorney.

SEC. 10. Whenever it shall come to the knowledge of the Commissioner that the provisions of this Act have been violated by any railroad company, and the facts in his judgment warrant a prosecution therefor, he shall immediately give notice thereof to the District Attorney of the county in which such violation occurred, and it is hereby made the duty of such District Attorney to commence and prosecute, in a Court of competent jurisdiction, an action against any railroad company that shall have been guilty of such violation.

Fines, etc.;  
how recovered.

SEC. 11. All fines, forfeitures, and penalties for violations of the provisions of this Act herein provided shall be recovered by action in the name of the people of the State of California. Such action shall be brought and prosecuted upon complaint of the Commissioner, or the person aggrieved, by the District Attorney of the county in which such viola-

tion occurred; and all moneys paid or recovered on account of such fines, penalties, and forfeitures shall be paid into the State treasury for the benefit of the public school. It is hereby made the duty of the Attorney-General to counsel, advise, and assist the Commissioner of Transportation, whenever he shall be requested by him so to do, concerning any and all actions, proceedings, matters, things, powers, liabilities, and duties arising under the provisions of this Act. He may also institute and prosecute any action or proceeding which may be necessary the more effectually to carry out the provisions of this Act, and he may at any time take control of or assist in the prosecution of any action or proceeding commenced by any District Attorney, as herein provided, whenever in his judgment the public interest will be subserved thereby.

Duty of  
Attorney-  
General

### CHAPTER THREE.—POLICE REGULATIONS.

SECTION 1. In forming a train on any railroad no freight, merchandisc, or lumber cars shall be placed in the rear of passenger cars, and if they or any of them shall be so placed, the officer or agent who so directed, or who knowingly suffered such arrangement of cars, and the conductor of the train, shall be guilty of a misdemeanor and shall be punished accordingly.

Misdemeanor.

SEC. 2. No company operating any railroad in this State shall, in carrying and transporting cattle, sheep, or swine, in car load lots confine the same in cars for a longer period than thirty-six consecutive hours, without unloading for rest, water, and feeding, for a period of at least ten consecutive hours. In estimating such time of confinement, the period during which the animals have been confined without such rest on connecting roads from which they are received shall be computed. In case the owner or person in charge of such animals refuses or neglects to pay for the care and food of animals so rested, the railroad company may charge the expense thereof to the owner or consignee, and retain a lien upon the animals therefor until the same is paid.

Period of  
confining  
animals.

SEC. 3. When any freight train on any railroad shall stop in such a position as to obstruct the ordinary travel on any highway, for a longer period than ten minutes, the person having charge of such train shall cause it to be separated, so as to leave one street or highway open to its full width to accommodate the public travel; and any railroad company in whose employment any person shall be, who shall violate this section, shall forfeit and pay the sum of twenty-five dollars for each offense.

Obstruction  
of highway.

SEC. 4. Whoever enters upon or crosses any railroad, at any private passway, which is inclosed by bars or gates, and neglects to leave the same securely closed after him, shall be guilty of a misdemeanor.

Misdemeanor

SEC. 5. Whoever shall lead, ride, drive, or conduct any beast along the track of a railroad, except where the railroad is built within the limits of the public highway, or who

shall place, or having the right to prevent it, shall suffer any animal to be placed within the fences thereof for grazing or other purposes, shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 6. Any person who may be employed upon the railroad of any company in this State as engineer, conductor, baggage-master, brakeman, switchman, fireman, bridge-tender, flagman, or signalman, or who may have charge of the regulation or running of trains upon said railroad in any manner whatever, and who shall become or be intoxicated while engaged in the discharge of his duties, shall be guilty of a misdemeanor, and on conviction thereof shall be punished for each offense by a fine not exceeding five hundred dollars, or by imprisonment in a County Jail for a term not exceeding six months, or both, in the discretion of the Court having cognizance of the offense; and if any person so employed as aforesaid, by reason of such intoxication, shall do any act, or neglect any duty, which act or neglect shall cause the death of, or bodily injury to any person or persons, he shall be deemed guilty of a felony.

Felony.

Appointment of policemen.

SEC. 7. The Governor may, from time to time, upon the application of any railroad or steamboat company, commission during his pleasure, one or more persons designated by such company, who, having been duly sworn, may act at its expense as policemen, with the powers of a Deputy Sheriff, upon the premises used by it in its business, or upon its cars or vessels. The company designating such person shall be responsible civilly for any abuse of his authority.

Shield.

SEC. 8. Every such policeman shall, when on duty, wear in plain view a shield bearing the words "Railroad Police," or "Steamboat Police," as the case may be, and the name of the company for which he is commissioned.

SEC. 9. Every person who shall fraudulently evade or attempt to evade the payment of his fare for traveling on any railroad shall be fined not less than five nor more than twenty dollars.

Repeal.

SEC. 10. An Act entitled an Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State, approved April third, eighteen hundred and seventy-six, is hereby repealed, and all other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they conflict herewith.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. DCXLII.—*An Act to provide for the payment of deficiencies in the appropriation for pay for procuring and listing lands to the State by the United States, for the 24th and 25th fiscal years.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of nine thousand four hundred and forty-eight dollars is hereby appropriated out of the General Fund, in the State treasury, to pay the claims of the Registers and Receivers of the United States Land Offices in this State, which accrued during the twenty-fifth fiscal years, under the Act of Congress, approved July first, eighteen hundred and sixty-four, for the location of lands by States under grants from Congress.

Appropriation authorized.

SEC. 2. This Act shall take effect immediately.

CHAP. DCXLIII.—*An Act to create a drainage district, to be called the Sacramento River Drainage District, to establish a Board of Commissioners therefor, and to define their powers and duties.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All that certain territory situated in the Counties of Yolo, Solano, and Sacramento, and bounded and described as follows, to wit: Beginning at a point in Yolo County at the intersection of the center line of the main track of the California Pacific Railroad with the right bank of the Sacramento River at the Town of Knight's Landing, and running thence southerly along the center line of said track to its intersection with the line of the State segregation, between the swamp and overflowed lands and the high lands; thence southerly and following the State said segregation line, or, where there is no such line, following the United States segregation line between said lands, to the south line of townships eleven north, range two east; thence due south to the south line of the Rancho Rio de Jesus Maria; thence west three-fourths of a mile to the northwest corner of the southeast quarter of section twenty-two, township ten north, range two east; thence southerly and following said segregation lines to the center of Putah Creek; thence up the center of Putah Creek to the line between sections nineteen and twenty, township eight north, range two east; thence south to the southwest corner of section twenty-nine, same township; thence east to the northwest corner of the northeast quarter of section thirty-three, township eight north,

Boundaries of drainage district defined.

Boundaries  
of drainage  
district  
defined.

range three east; thence southerly, following said segregation lines to the northwest corner of the northeast quarter of the northeast quarter of section nine, township five north, range two east; thence west one and one-fourth miles; thence south one mile; thence west one mile; thence south one and one-fourth miles; thence east one-half mile; thence south one-fourth mile; thence east one-fourth mile, to the northwest corner of the northeast quarter of the southwest quarter of section twenty, same township: thence southerly, following said segregation lines to the southeast corner of section one, township four north, range two east; thence due south, crossing the Sacramento River to the left bank thereof; thence down the left bank of the Sacramento River to its junction with the right bank of the San Joaquin River at the foot of Sherman Island; thence up the right bank of the San Joaquin River to its intersection with the center of the Mokelumne River; thence up the center of the Mokelumne River and south fork thereof to the center of Dry Creek; thence up the center of Dry Creek to its intersection with said segregation line; thence northerly following said segregation lines to the west line of township seven north, range five east; thence north to the south line of the City of Sacramento; thence easterly, northerly, and westerly along the exterior lines of said city to the intersection of the north line thereof with a direct southerly extension of the east line of the northwest quarter of section thirty-one, township nine north, range five east; thence north and northerly following said segregation lines to the north line of Sacramento County; thence west on said line and crossing the Sacramento River to the right bank thereof; thence up the right bank of the Sacramento River to the place of beginning, is hereby created a drainage district, to be called "The Sacramento River Drainage District," for the purpose of draining the surplus waters of the Sacramento River and the waters flowing from the east side of the coast range of mountains, in the Counties of Yolo and Solano, into Suisun Bay. Said object shall be effected by the construction of the following works, to wit: A main canal, leading from the Sacramento River at or near the place called Charleston, or Gray's Bend, in Yolo County, and running in a southerly and southwesterly direction to the basin of Nurse's Slough, in Solano County, and thence to Suisun Bay; the waters coming from the coast range of mountains, from Cache Creek southerly, to be diverted and turned into said canal; also, in connection therewith, an auxiliary canal, if necessary, leading from the Sacramento River, near the mouth of the American River, to said main canal; also, such auxiliary works as may be necessary for constructing or protecting said canals, or for rendering them effective.

Governor to  
appoint  
three Com-  
missioners.

SEC. 2. The Governor shall appoint three competent persons as Commissioners for said district, who shall hold office for four years and until their successors are appointed and qualified. They shall each, immediately after their appointment, take and subscribe the official oath, and file the same in the office of the Secretary of State. Within thirty days

after the passage of this Act, said Commissioners shall meet at the City of Sacramento and organize a Board, by the election of a President from their number, which Board shall be called "The Board of Commissioners of the Sacramento River Drainage District," and under that name shall have perpetual succession, may sue and be sued in all Courts and places, and in any proceedings whatsoever, shall have and use a common seal, and may acquire and hold real and personal property for the uses and purposes mentioned in this Act. Said Board shall have the management of the business of the district, and shall have power to construct, alter, and keep in repair the works mentioned in this Act, and for that purpose to appoint attorneys, agents, and servants, and provide for their compensation, and generally to do and perform all acts necessary to carry out the powers hereby conferred. Said Board shall appoint a Secretary, who shall not be one of their number, and shall keep a record of their proceedings. The office of said Board shall be in the City of Sacramento. All vacancies in the Board shall be filled by the Governor.

Power of Commissioners.

SEC. 3. As soon as practicable after their organization, said Board shall appoint one or more competent engineers, to examine, survey, plan, and locate the works required by section one of this Act, and to make estimates of the cost thereof. Said engineers shall, in the first instance, make a preliminary survey and reconnoissance, for the purpose of ascertaining the feasibility and effectiveness of such proposed works, and the probable cost thereof. Upon the completion of such preliminary survey, said engineers shall make a full report thereof to said Board, and shall file duplicates thereof in the offices of the Secretary of State and State Surveyor-General. If said engineers shall report that, in their opinion, such proposed works are not feasible, or will not be reasonably effective for the purposes intended, or will cause material injury to Suisun Bay, or other navigable waters of the State, or to any private lands, or that the probable cost thereof will exceed the amount of money for which bonds are authorized by this Act to be issued, then and in that event, no further proceedings shall be had under this Act. The sum of ten thousand dollars is hereby appropriated out of any funds in the State treasury, not otherwise appropriated, for the purpose of paying the expenses of such preliminary survey and reconnoissance.

Engineers to be appointed.

Shall make report.

SEC. 4. If, after such preliminary survey, said engineers shall report that, in their opinion, the proposed works are feasible, and will be reasonably effective for the purpose intended; that the same will not cause any material injury to Suisun Bay, or other navigable waters of the State, or to any private lands, and that the probable cost of the same will not exceed the amount of money for which bonds are authorized by this Act to be issued, and said opinion and report of the engineers is concurred in and approved by the State Engineer, or the consulting engineers, then said Board of Commissioners shall direct said engineers to survey, plan, and locate said works, and make estimates of the cost thereof,

Favorable report.

Election to  
be held.

Right of way  
granted.

Power of  
Board.

Commis-  
sioners of  
Assessment.

by sections, as herein provided. Said engineers shall return to the Board complete field notes and maps of such survey; and, when plans have been adopted by the Board, the engineer shall also return full working plans and specifications for such works, which must be approved by the State Engineer, or the consulting engineers. Upon the adoption of plans, the Board shall give notice of an election to be held in said district, for the purpose of determining whether the works contemplated shall be commenced and prosecuted. Such election shall be called and held in all respects as provided in section six of this Act, and the ballots shall contain the words, "For the work," or "Against the work," or words equivalent thereto, written or printed thereon. If a majority of the votes cast shall be against the work, the Board may proceed to adopt new plans, and submit the same at a second election, in the same manner; and if the result of said election be against the work, no further proceedings shall be had. If, at either election, such plans shall be ratified, the Board shall proceed to acquire all lands and rights of way that may be required for such work, either by gift, purchase, or condemnation, and for that purpose may institute and carry on proceedings under the provisions of Title Seven, of Part Three, of the Code of Civil Procedure. There is hereby granted, dedicated, and set apart, for the purposes herein mentioned, the right of way over all lands belonging, or that may belong to the State, and the right to divert all or any portion of the water mentioned in section one of this Act, except the waters of the Sacramento River, of which no more shall be diverted than is necessary as a protection against overflow, and in no case to such extent as to interfere with the navigation of said river. The Board of Commissioners shall have power to construct the said works across any stream of water, water-course, bay, lake, street, avenue, highway, railway, canal, ditch, flume, dam, or levee, which the route of said canals may intersect or cross, in such manner as to afford security for life and property; but said Commissioners shall restore the same, as near as may be, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness; *provided*, that said Board of Commissioners shall not be required, as a condition to crossing any road, to construct any bridge, unless such road is usually passable for travel throughout the winter season, nor unless the Court or jury shall find that such bridge will be of sufficient public importance to warrant the expense of the construction of the same.

SEC. 5. Upon the adoption and ratification of plans for such works, the Board of Commissioners shall certify that fact to the Governor, who shall thereupon appoint three competent and disinterested persons, who shall not be residents or land owners within the district, or interested, directly or indirectly, in any lands therein, to act as Commissioners of Assessment for said district. Said Commissioners of Assessment shall each take and subscribe the official oath, and file the same in the office of the Secretary of State. They shall then proceed to view the lands within



the district and ascertain and determine which of such lands will be benefited by the construction of such works, and shall ascertain and determine the value of the benefits to accrue thereby to each parcel of real estate so benefited. The words "value of benefits," as used in this Act, shall be construed to mean the increase in the actual cash value of any parcel of real estate accruing or to accrue by reason of the construction of such works. They shall make a separate list of lands for each county in which said district is situated, embracing in each list all of such lands to be benefited as may be embraced within the boundaries of such county. Said lists shall contain a description sufficient for identification of each parcel of real estate to be benefited, the name of the owner thereof, if known, otherwise the words "unknown owners," and the value of the benefits to accrue thereto. A description of such real estate by federal subdivisions, boundaries, metes and bounds, numbers of swamp land surveys, numbers of lots, blocks, and fractions, or other intelligible description, shall be deemed sufficient for identification within the meaning of this Act. Upon the completion of said lists, said Commissioners of Assessment shall publish, in at least one newspaper published in each of the counties hereinbefore named, and in the City of San Francisco, for not less than two weeks, a notice stating that said lists have been prepared, and that the said Commissioners of Assessment will sit for at least three days at the county seat of each of the counties hereinbefore named, for the purpose of hearing and determining any objections that may be made to such assessment. The times at which such sittings will be had shall be stated in the notice; the first of such sittings to be not less than twenty-one nor more than thirty days from the first publication of the notice. During such sittings, any person interested may appear in person, or by his agent or attorney, and state his objections to the assessment, or to any part thereof. The Commissioners of Assessment may examine witnesses concerning such matters, and for that purpose they may issue subpoenas, and either Commissioner of Assessment may administer oaths; and upon such hearing, any assessment found to be erroneous shall be corrected. When said lists are finally corrected the Commissioners of Assessment shall certify the same, and file them in the office of the Board of Commissioners of the district, and shall also transmit certified copies of each list to the Auditors of the respective counties for which said lists are made, and shall also file certified copies thereof in the office of the Controller of State. They shall also append to each list and certified copy thereof a certificate, showing the total area in acres of the lands to be benefited in said district, as determined by them in such assessment. The Governor shall fill any vacancy occurring in the office of Commissioner of Assessment, and it shall not be necessary for such new appointee to perform any work already done by his predecessor, but simply to continue the same to completion. Upon the filing of the lists hereinbefore provided for, the duties and offices of said Commissioners of Assessment shall cease and determine.

Duty of  
Commissioners of  
Assessment

Each Commissioner of Assessment shall receive the sum of fifteen hundred dollars, which shall be for full compensation for all his services and expenses in said office, including clerical assistance.

Election of  
Treasurer.

SEC. 6. Within thirty days after their organization the Board of Commissioners shall give notice of an election to be held in said district for the purpose of electing a Treasurer therefor. At such election one polling place shall be opened in each of the counties hereinbefore named, and within the district. The notice shall be published for two weeks in at least one newspaper published in each of the counties hereinbefore named, and in the City of San Francisco; shall state the day at which such election will be held, which shall not be less than thirty nor more than forty days from the first publication of such notice, the places at which the polls will be opened, and the names of the Judges and Inspectors of Election. At such election each person owning land in said district shall have one vote, and may cast the same at either polling place, at his choice. The Board of Election, at each polling place, shall open the polls at the hour of eight A. M., and close the same at the hour of six P. M. They shall keep a list of the persons voting, and shall, within three days after such election, transmit the same, with a certificate of the number of ballots cast for each candidate, to the Board of Commissioners. On the second Monday after such election, the Board of Commissioners shall meet and canvass the votes, and the person receiving the highest number of votes shall be declared elected. Any person not entitled to vote at such election, who shall willfully vote or attempt to vote thereat, and any person who shall willfully vote or attempt to vote more than once at such election, or who shall willfully and fraudulently make or accept any transfer of property for the purpose of enabling him or any other person to vote thereat, is guilty of felony. The person so elected as Treasurer shall qualify within ten days after the declaration of his election. He shall receive a salary of one hundred and fifty dollars per month from and after the first sale of bonds as hereinafter provided. Any vacancy in the office of Treasurer shall be filled by an election, as hereinbefore provided, but the Governor shall, in such case, appoint some person to fill such vacancy until such election can be had. The Treasurer shall hold office for two years from the date of his qualification, and until his successor is elected and qualified.

Salary.

Issuance of  
bonds.

SEC. 7. The Board of Commissioners of said district are hereby authorized and empowered, from time to time, after the return of such assessment lists, to issue their bonds for the sum of one thousand dollars each, and not exceeding in the aggregate an amount equal to five (5) dollars per acre on the total amount of lands to be benefited in said district, as determined by the Commissioners of Assessment and stated in their certificate attached to the assessment lists; *provided*, that the Board of Commissioners may, after the adoption and ratification of plans, and before the return of the assessment lists, issue an amount of said bonds not exceeding the

sum of five hundred thousand (500,000) dollars. Each of said bonds shall bear the same date, though issued at different times, shall be signed by the President of the Board and countersigned by the Secretary, and the seal of the Board shall [be] affixed thereto. The bonds shall be numbered consecutively in the order of their issue, and shall express on their face that they are issued by authority of this Act, stating its title and date of approval. Each of said bonds shall be made payable twenty years after date, with interest at the rate of seven (7) per cent. per annum, payable semi-annually, on the first days of April and October; both the principal and interest thereof shall be payable only in the gold coin of the United States of the present standard of weight and fineness, at the office of the Treasurer of the district. Coupons for the interest shall be attached to each bond. Said bonds may be sold from time to time as required, at a rate not less than par, all coupons due or past due at the time of sale being removed and canceled. The Secretary shall keep a record of all bonds sold, their number, the date of sale, the price received, and the name of the purchaser. The proceeds of the sale of bonds shall be paid by the purchasers into the treasury of the district, and shall there be kept as a special fund, to be called "The Sacramento River Drainage District Construction Fund," to be paid out as herein required. Each bond on being sold shall be countersigned and registered by the Auditor of the County of Sacramento. Nothing in this Act contained shall be so construed as to render the State of California or any county thereof liable for any portion of the principal or interest of such bonds, or for any damage or injury that may result from the construction of any works, or the performance of any act herein authorized.

Sec. 8. Within five days after the first Monday in September in each year, the Board of Commissioners shall meet and levy an assessment upon the lands included in the assessment lists sufficient to raise the annual interest on the outstanding bonds, and on the probable amount of bonds to be sold thereafter, on which interest will accrue during the ensuing year. The rate of such levy shall be ascertained by adding ten (10) per cent. to the amount to be raised, to allow for anticipated delinquencies, and dividing such amount by the total value of benefits stated on said lists; the quotient, expressed in cents, on each one hundred dollars of such valuation, shall be the rate to be levied; *provided*, that if, in such calculation, a fraction of a cent shall occur a full cent on each one hundred dollars of such valuation shall be added instead of such fraction. At the expiration of ten years from the date of the bonds the Board must increase the assessment to be levied for the ensuing ten years in the following percentage of the principal of the whole amount of bonds issued, to wit: For the eleventh year, five per cent.; for the twelfth year, six per cent.; for the thirteenth year, seven per cent.; for the fourteenth year, eight per cent.; for the fifteenth year, nine per cent.; for the sixteenth year, ten

Sale of  
bonds

3

Assessment  
levied.

Rate, how  
ascertained.

Assessment  
increased.

por cent.; for the seventeenth year, eleven per cent.; for the eighteenth year, thirteen per cent.; for the nineteenth year, fifteen per cent.; and for the twentieth year, a percentage sufficient to pay off said bonds. Upon the making of such levy in any year, the Board shall transmit to the Auditor of each of said counties, and to the Controller of State, a certificate of the rate so levied. Upon his receipt of such certificate, each of said Auditors shall compute, in dollars and cents, rejecting fractions of a cent, the amount of the assessment so levied upon each parcel of land described in the assessment list prepared for such county, and shall enter upon said list, in a separate money column, and opposite the description of such parcel of land, the amount so computed. Such amounts shall be collected by the Tax Collector of such county, at the same time and in the same manner as State and county taxes are collected; and all the provisions of Chapters Seven, Ten, and Eleven, of Title Nine, of Part Three, of the Political Code, so far as they can be made applicable, shall apply to such collection; *provided*, that no commission or percentage shall be allowed out of such moneys to any officer for any purpose. The moneys so collected shall be paid into the treasury of the district, and the Treasurer shall keep the same in a special fund, to be called, "The Sacramento River Drainage District Bond Fund," to be paid out only as herein provided.

Liens  
constituted.

SEC. 9. The amounts assessed under the provisions of section eight of this Act shall severally constitute liens upon the respective parcels of real estate upon which the same are assessed, from and after the date of the annual levy by the Board, which liens shall not be removed nor satisfied until such assessments are paid, or such property sold therefor.

Redemption  
of land;  
how made.

The owner of any parcel of land may, however, redeem his land from the lien of all future assessments at any time by paying to the Tax Collector of the county in which such lands are situated, an amount, to be ascertained by multiplying the amount for which bonds are hereby authorized to be issued by the amount of the value of benefits assessed against said parcel of land, and dividing the product so obtained by the total amount of the value of benefits assessed in said district; the amount so obtained is the amount to be paid. Upon such payment the Tax Collector shall give to such person a certificate in triplicate, showing the amount paid, the date of payment, and the description of the land on which such full payment has been made, one copy of which shall be filed by the person making such payment in the office of the Controller of State, and one with the Board of Commissioners of the district, and such person shall cause the third copy to be recorded by the Recorder of the county in which such lands are situated, in the books in which liens are recorded; and thereafter such lands shall not be liable to any future assessment under the provisions of this Act. If such payment be made before the sale of all of the bonds authorized by this Act to be sold, such moneys shall be paid into the Construction Fund in like manner as moneys received from the sale of bonds, and the amount

thereof shall be deducted from the amount of bonds authorized by this Act to be issued; but if such payment be made after the issue and sale of all of such bonds such moneys shall be paid into the Bond Fund.

SEC. 10. On the first days of April and October in each year, the Treasurer shall pay the interest on such bonds on the presentation of the coupons therefor. All payments of principal and interest on such bonds shall be made only out of such Bond Fund. Whenever the amount in said Bond Fund, exclusive of the amount necessary to pay one year's interest on the outstanding bonds, shall amount to ten thousand dollars, the Board shall direct the Treasurer to pay such an amount of said bonds as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation. Before making such direction, the Board shall advertise for three weeks, in at least one daily newspaper published in each of the Cities of San Francisco and Sacramento, for sealed proposals for the redemption of said bonds. Such proposals shall be opened by the Board at a time to be named in the notice, and the lowest bid for such bonds shall be accepted; but no bond shall be redeemed at a rate above par and accrued interest. In case the bids are equal, the bonds bearing the lowest numbers shall have the preference. In case no proposals are received at a rate not above par and accrued interest, the Board of Commissioners shall direct the Treasurer to redeem such amount of said bonds in the order of their numbers, beginning with the lowest number. The Treasurer shall then advertise that fact for three weeks, in at least one daily newspaper published in each of the Cities of San Francisco and Sacramento, stating in the notice the numbers of the bonds to be redeemed, and that at the expiration of sixty days from the first publication of such notice all interest on such bonds will cease. At the maturity of said district bonds all interest thereon shall cease, if there be sufficient money in said Bond Fund for their redemption; and the Treasurer shall then advertise that fact, for not less than two weeks, in at least one daily newspaper published in each of the Cities of Sacramento and San Francisco, and shall redeem such bonds upon presentation. The moneys in said Bond Fund shall not be used for any purpose other than the payment of the principal and interest of said bonds, until the whole thereof have been redeemed.

Payment of interest.

Redemption of bonds.

SEC. 11. After acquiring necessary rights of way, the Board shall, from time to time, give notice, by publication for not less than three weeks, in at least one newspaper published in each of the counties hereinbefore named, and in at least one newspaper published in the City of San Francisco, inviting sealed proposals for the construction of one or more sections of such work, including the furnishing of any material required therefor. For that purpose the Board shall divide the work into a suitable number of sections, no section in earth-work to be more than two miles in length. The notices shall state the time at which proposals will be opened, the time at which each section must be commenced, and the time within which the same must be completed. The Board

Advertisement for proposals to perform work.

may also require a certified check or certificate of deposit, payable to their order, for such sum as they may direct, to accompany each bid, as a guaranty of good faith, the same to be forfeited to the district in case the bidder fails to enter into any contract awarded to him. The Board may reject all bids and readvertise; but no contract shall, in any event, be awarded to any but the lowest bidder.

Payment of  
contract for  
may be  
made; how.

SEC. 12. The Board of Commissioners may, under such restrictions as may be contained in the contracts, allow partial payments to be made to any contractor during the progress of his work; but no such partial payment shall be made on any but completed work, and only on the certificate of the Chief Engineer, showing the amount of work completed according to the plans and specifications; and no such partial payment shall exceed seventy-five per cent. of the amount due for such completed work. The Board may cause any urgent repairs to be made in any of the works after completion, without advertising for proposals.

Debt.

SEC. 13. All claims under contracts, or for salaries, wages, or other expenses, shall be paid only out of the Construction Fund. Neither said Board of Commissioners nor any other officer of said district shall have power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the amount of bonds hereby authorized to be issued; and any debt or liability in excess of said amount shall be and remain absolutely void.

Meetings of  
Board to be  
public.

SEC. 14. All meetings of the Board of Commissioners for the purpose of adopting plans, canvassing election returns, levying assessments, opening proposals, awarding contracts, or approving work done under contracts, shall be open and public. The records of the Board, and of every officer of said district, and all the plans, maps, and other papers thereof, shall, at all times during reasonable office hours, be open to inspection by any person. Thirty days before the beginning of each session of the Legislature of the State, the Board shall transmit to the Surveyor-General a full and detailed account and report of all proceedings had under this Act since the date of the next preceding report, which report shall, by the Surveyor-General, be laid before the Legislature.

SEC. 15. Nothing in this Act contained shall be so construed as to prevent said Board from constructing any of the works herein authorized, at points outside of said district, or from condemning any lands outside of said district, for the necessary rights of way, or for the purpose of obtaining materials for the construction of such works.

Compensation of  
Board.

SEC. 16. Each member of the Board of Commissioners shall receive the sum of one hundred and fifty dollars per month, and his actual expenses incurred while engaged in traveling on the business of the district. The Secretary shall receive a salary of one hundred and fifty dollars per month. Each member of the Board of Commissioners, and each Secretary and Treasurer shall, before entering upon the duties of his office, file in the office of the Secretary of State a bond, with sureties, to be approved by the Attorney-General, for the

amount herein specified, payable to the people of the State of California, and conditioned for the faithful performance of the duties of his office. Such bond may be sued upon by any person injured. The bond of each member of the Board of Commissioners shall be in the penal sum of two hundred thousand dollars, the bond of the Treasurer shall be in the penal sum of five hundred thousand dollars, and the bond of the Secretary shall be in the penal sum of fifty thousand dollars.

SEC. 17. Any Commissioner, Treasurer, Secretary, Commissioner of Assessment, engineer, officer, or employé of said District, who shall, in any manner, either directly or indirectly, be interested in any contract awarded, or to be awarded, or in the profits to be derived therefrom, or who shall willfully or corruptly accept or receive any consideration, valuable or otherwise, to influence him in any official act or vote, or who shall willfully or corruptly make any false report, record, certificate, or estimate, shall be deemed guilty of a felony, and shall be punished by imprisonment in the State Prison for a period of not less than one year nor more than five years; and such conviction shall work a forfeiture of his office. The provisions of sections seventy-six and one hundred and seventy-six of the Penal Code are hereby made applicable to the persons mentioned in this section.

SEC. 18. No Chinese labor shall be employed upon any works done under the provisions of this Act, and a clause to that effect shall be inserted in every contract; and a violation of such clause shall subject such contractor to a forfeiture of all moneys to be received under such contract. In constructing the works mentioned in section one of this Act, the cut near the Montezuma Hills, in Solano County, shall be first constructed, and no opening shall be made from any river or stream into any of said canals, nor any water permitted to flow therein, until such canal is in a condition to carry such water into Suisun Bay.

SEC. 19. If the result of the elections required by section four of this Act be adverse to the prosecution of works, the Board of Commissioners shall levy and cause to be collected an assessment upon the lands within the district for the purpose of defraying the expenses already incurred, including the expense of assessing and collecting such assessment. The Board shall levy the same and cause the same to be assessed and collected in such manner as it may direct; and the same shall constitute a lien on said lands from and after the date of such levy. The provisions of this Act shall only be applicable to the lands in the Counties of Sacramento, Yolo, and Solano, and shall not be so construed as to affect any other lands.

SEC. 20. Immediately after the passage of this Act, the Secretary of State shall cause to be printed two hundred and fifty copies thereof, and shall deliver to the Governor, Controller, Surveyor-General, and Treasurer, ten copies each; to the Auditors and Tax Collectors of each of the counties hereinbefore mentioned, ten copies each; and the balance of

such copies to the Board of Commissioners, upon their appointment and qualification.

SEC. 21. This Act shall take effect immediately.

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CHAP. DCXLIV.—[See volume of *Amendments to the Codes*.]

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CHAP. DCXLV.—[See volume of *Amendments to the Codes*.]

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CHAP. DCXLVI.—*An Act concerning roads and highways in the County of Monterey.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Tax to be  
levied.

SECTION 1. The Board of Supervisors of the County of Monterey are hereby authorized to levy a tax, not to exceed three cents on the one hundred dollars of the taxable property of the said county, to pay off the indebtedness of Monterey, Castroville, and Alisal Road District, Number Seven. All surplus, if any, after paying said indebtedness, shall be transferred to the Current Expense Fund.

Duty of  
Supervisors.

SEC. 2. The Board of Supervisors shall have special supervision of the public roads in their respective Supervisorial Districts, and it is hereby made the duty of each Supervisor (except the Supervisor at large) to visit all the public roads in their respective districts twice a year, prior to the meeting of the Board in February and August terms of said Board. The pay of each member whilst thus visiting the roads is hereby limited to four dollars per day, they to pay their own expenses, and the time they may employ in thus visiting the roads is hereby limited to fifteen days at each time, or thirty days per annum. Before any compensation is allowed any member for said services in visiting the roads, he shall present to the Board a sworn statement that he has visited the roads, and the number of days actually spent in thus visiting the same.

Compensation.

SEC. 3. This Act shall take effect and be in force from and after its passage.



CHAP. DCXLVII.—*An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to order paid to M. J. Kelly the sum of fifteen hundred and sixty-one dollars in United States gold coin, which said amount remains due and unpaid to the said M. J. Kelly for work done and materials furnished by the said Kelly in reconstructing, under the direction of the Superintendent of Public Streets, Highways, and Squares, certain street corners, so-called, in said city and county, theretofore duly accepted by the said city and county.

Payment  
of claim  
authorized.

SEC. 2. The Auditor of the said City and County of San Francisco is hereby authorized and empowered to audit the said sum, and to issue his warrant therefor to said M. J. Kelly, and upon the presentation of said warrant to the Treasurer of the City and County of San Francisco said Treasurer shall pay the said warrant, as other indebtedness of the said City and County of San Francisco, in United States gold coin, to the said M. J. Kelly, or his assigns.

SEC. 3. This Act shall take effect immediately.

CHAP. DCXLVIII.—*An Act entitled an Act to provide sewers for the City of Santa Cruz.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The City of Santa Cruz is hereby authorized and empowered to construct a main sewer, from a point at or near the base of the hill known as Mission Hill, and to extend southerly to the Pacific Ocean. Said sewer to be located and constructed upon the most practicable line between said points, and upon a line not further west than Chestnut Street, and not further east than the east side of Front Street. Said sewer may be constructed in such manner, of such dimensions, and with such materials as the City Council may direct.

Construction  
of sewer  
authorized.

SEC. 2. The Council shall cause to be prepared plans and specifications of said work, in sections, and shall advertise for four weeks, in at least two weekly newspapers published in said City of Santa Cruz, if there be two weekly newspapers published in said city; if not, then in one weekly newspaper, for sealed proposals for constructing said sewer.

Advertis-  
ment for  
proposals  
to do work.

The work may be let in sections, and must be let to the lowest responsible bidder, the Council having the right to reject any and all bids. The work shall be done and the material furnished under the supervision and to the satisfaction of the Mayor or Street Committee of the Common Council of said city.

Issuance  
and sale of  
bonds.

SEC. 3. To enable the City of Santa Cruz to pay for said sewer, the Mayor and Common Council are hereby authorized to issue and sell the bonds of said city for the required amount, which shall not exceed in the aggregate the sum of twenty thousand dollars, payable in five years from the date of issue, in gold coin of the United States, bearing interest at the rate of eight per cent. per annum, payable semi-annually. The principal and interest shall be paid at the office of the City Treasurer of the said City of Santa Cruz.

Denomina-  
tion.

SEC. 4. Said bonds shall be issued in sums of not less than one hundred dollars each, nor more than five hundred dollars each; shall be signed by the Mayor and Treasurer of the city, and the seal of the city shall be affixed thereto. Coupons for the interest shall be attached to each bond, signed by the Mayor and Treasurer.

Interest  
coupons.

Sale of  
bonds.

SEC. 5. Before the sale of said bonds, the Council shall, at a regular meeting, by resolution, declare its intention to sell a specified amount of said bonds, stating the day, hour, and place of such sale, and shall cause said resolution to be entered in the minutes, and shall cause notice of such sale to be published for twenty days, in at least one weekly newspaper printed in the City of Santa Cruz, and in at least one newspaper of general circulation published in the City of San Francisco. The notice shall state that sealed proposals will be received by the Council for the purchase of bonds, on the day and hour named in the resolution. The Council, at the time appointed, shall open the proposals, and award the purchase of bonds to the highest bidder, but may reject all bids.

SEC. 6. The Council may sell said bonds at not less than par value, without the notice provided for in the preceding section.

Sewer Fund.

SEC. 7. The proceeds of the sale of the bonds shall be deposited in the city treasury, to the account of a fund to be called the "Sewer Fund," and no payment therefrom shall be made except by order of the Mayor, and upon his certificate to the Treasurer that the work provided for by this Act has been performed according to contract.

Lands  
assessed.

SEC. 8. The following lands (except public streets and highways included therein), within the limits of the city, which are capable of being drained by said sewer, shall be equally assessed, according to law, to pay said bonds and the interest thereon: Beginning at the mouth of the San Lorenzo River and running thence up the west bank of said river to River Street; thence along River Street to Potrero Street; thence along Potrero Street to High Street; thence along High Street; thence down and along Bay Street to Pacific Avenue; thence along Pacific Avenue to

Third Street; along Third Street to the mouth of the San Lorenzo River.

SEC. 9. It shall be the duty of the City Council, each year, at the time of levying the tax for municipal purposes, to ascertain the amount required for the payment of the interest on the bonds for the year, and also the amount to be paid on the principal of said bonds, as provided in section ten; and the Assessor of the city shall thereupon assess said lands equally, according to area and their value, for said amount, entering such assessment in the assessment roll, in the same manner as the taxes are entered therein, but in a separate column; and such assessment shall be equalized and collected at the time and in the manner provided by law for the collection of city taxes, and shall be applicable to the payment of the interest on said bonds.

SEC. 10. The Mayor and Common Council must, in each year, at the time of levying said tax, ascertain, as near as may be, the amount required to pay one-fifth of the bonds, exclusive of the interest, and the Assessor must assess the same equally upon said lands, in the manner provided in the preceding section for the assessment of interest due. The same must be collected in the same manner as is provided for the collection of the interest, and set apart by the Treasurer as a sinking fund for the redemption of said bonds. If, for any reason, the Common Council shall fail to ascertain the amount to be collected for the Interest and Sinking Fund, as required by this Act, it shall be the duty of the Assessor to ascertain said amount, and assess and collect the same as above provided.

SEC. 11. The Council may redeem any of the bonds prior to maturity, at the option of the holders thereof, whenever there is money in the sinking fund which, in the judgment of the Council, may be profitably used for that purpose.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAP. DCXLIX.—*An Act to amend section six of an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Stanislaus, approved March the fourth, eighteen hundred and seventy-four.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section six of said Act is hereby amended to read as follows: Section six. The County Assessor shall receive a salary of one thousand two hundred dollars per annum, and in addition thereto, as collector of poll taxes and road poll taxes in said county, he shall receive the sum

of ten per cent. upon the amount collected by him or his deputies; *provided*, that the Board of Supervisors shall appoint Deputy Assessors as now provided by law.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. DCL.—*An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make a general analytical index of all cases filed in the Supreme Court of this State from the organization thereof.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Clerk  
directed to  
make index  
of cases.

SECTION 1. The Clerk of the Supreme Court of the State of California is hereby authorized and directed, under the supervision and direction of the Judges of said Court, to procure suitable index books, and to make and keep a full and complete general analytical index of all cases filed in said Court, and the action thereon, from the organization of said Court to date. Said index books shall be open to public inspection at the Clerk's office of said Court, in the City and County of San Francisco.

Compensa-  
tion of  
Clerk.

SEC. 2. The Clerk of said Court shall receive and be allowed as full compensation for said work such sum or sums of money as may be recommended by the Judges of the Supreme Court, and approved by the State Board of Examiners, not exceeding the sum of five thousand dollars, which sum of five thousand dollars, out of any moneys in the State treasury not otherwise appropriated, is hereby appropriated for the purposes of this Act, and the State Controller is hereby authorized to draw his warrants on the State Treasurer in favor of said Clerk for such amount, less than five thousand dollars, as may be recommended and approved, as provided in this Act, upon the presentation of the certificate of the Board of Examiners, showing the amount due said Clerk for his work done under this Act; *provided*, it shall be the duty of the said Judges of the Supreme Court to have said work properly done for as small a compensation as possible, or consistent with the labor to be performed; *provided*, that when said index is so completed up to date, and paid for, as herein provided for, that thereafter no pay, except his salary, shall be allowed to said Clerk for keeping said index.

SEC. 3. This Act shall take effect immediately.

CHAP. DCLI.—[See volume of *Amendments to the Codes.*]

CHAP. DCLII.—*An Act to provide for the distribution of school moneys in the County of Yolo.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The School Superintendent of Yolo County must apportion all State and county school moneys as follows: School moneys apportioned; how.

*First*—He must ascertain the number of teachers each district is entitled to, by calculating one teacher for every seventy-five census children, or fraction thereof not less than fifteen census children, as shown by the next preceding school census.

*Second*—In districts in which there are more than two teachers assigned, he must apportion eight hundred and fifty dollars to each teacher.

*Third*—In districts with two teachers assigned, he must apportion eight hundred dollars to each teacher.

*Fourth*—In district with fifty census children, and less than ninety census children, six hundred dollars must be apportioned.

*Fifth*—In districts with forty census children, and less than fifty census children, five hundred and fifty dollars must be apportioned.

*Sixth*—In districts having fifteen census children, and less than forty census children, five hundred dollars must be apportioned; and in districts having ten census children, and less than fifteen census children, three hundred dollars must be apportioned.

*Seventh*—All school moneys remaining on hand, after apportioning the State and county school moneys, as provided in the preceding sections of this Act, must be apportioned to the several districts having fifty census children, and less than ninety census children, in proportion to the number of census children in each of the said districts.

SEC. 2. This Act shall take effect from and after the thirtieth day of June, eighteen hundred and seventy-eight.

CHAP. DCLIII.—*An Act making appropriations for the support of the Government of the State of California, for the thirtieth and thirty-first fiscal years.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation authorized.

SECTION 1. The following sums of money are hereby appropriated, out of any money in the State treasury not otherwise appropriated, for the objects hereinafter expressed, and for the support of the Government of the State of California, for the thirtieth and thirty-first fiscal years:

For per diem and mileage of Lieutenant-Governor and Senators, fifty-two thousand dollars.

For per diem and mileage of Assemblymen, one hundred and two thousand dollars.

For pay of officers and Clerks of the Senate, eleven thousand five hundred dollars.

For pay of officers and Clerks of the Assembly, twelve thousand five hundred dollars.

For contingent expenses of the Senate, fifteen thousand dollars.

For contingent expenses of the Assembly, twenty thousand dollars.

For salary of Governor, fourteen thousand dollars.

For salary of Governor's Private Secretary, four thousand eight hundred dollars.

For salary of Executive Clerk, four thousand eight hundred dollars.

For pay of Porter in office of Governor, twelve hundred dollars.

For Special Contingent Fund for Governor's office (secret service), five thousand dollars.

For postage, expressage, and telegraphing in office of Governor, one thousand dollars.

For salary of Secretary of State, eight thousand dollars.

For salary of Deputy Secretary of State, forty-eight hundred dollars.

For salaries of Clerks in office of Secretary of State, seventeen thousand seven hundred dollars.

For pay of Porter in office of Secretary of State, three hundred dollars.

For postage, expressage, and telegraphing in office of Secretary of State, two thousand eight hundred dollars; *provided*, that this appropriation may be expended without reference to fiscal years.

For contingent expenses in the Secretary of State's office, two hundred dollars.

For indexing Laws and Journals in the office of Secretary of State, four hundred and fifty dollars.

For salary of Controller, eight thousand dollars.

For salary of Deputy Controller, six thousand dollars.

Appropriations authorized.

For salary of Book-keeper in Controller's office, four thousand eight hundred dollars.

For salaries of Clerks in Controller's office, fourteen thousand four hundred dollars.

For pay of Porter in Controller's office, six hundred dollars.

For contingent expenses in the Controller's office, two hundred dollars.

For postage, expressage, and telegraphing in the Controller's office, five hundred dollars.

For salary of Treasurer, eight thousand dollars.

For salaries of Clerks in Treasurer's office, eight thousand four hundred dollars.

For salaries of Watchmen in State Treasurer's office, four thousand eight hundred dollars.

For pay of Porter in Treasurer's office, three hundred dollars.

For postage and expressage in Treasurer's office, three hundred dollars.

For pasting and preserving coupons in the office of the Treasurer of State, six hundred dollars.

For salary of Attorney-General, eight thousand dollars.

For salary of Clerk in Attorney-General's office, three thousand six hundred dollars.

For pay of Porter in Attorney-General's office, two hundred dollars.

For postage and expressage in Attorney-General's office, two hundred dollars.

For costs and expenses of suits, where the State is a party in interest, eight thousand dollars.

For salary of Surveyor-General, four thousand dollars.

For salary of Deputy Surveyor-General, four thousand eight hundred dollars.

For salary of Clerk in Surveyor-General's office, three thousand six hundred dollars.

For pay of Porter in Surveyor-General's office, six hundred dollars.

For postage and expressage in Surveyor-General's office, two hundred and fifty dollars.

For purchase of maps in Surveyor-General's office, four hundred dollars.

For copying maps in Surveyor-General's office, three hundred dollars.

For salary of Register of Land Office, four thousand dollars.

For salaries of Clerks in Land Office, seven thousand two hundred dollars.

For postage and expressage in Land Office, five hundred and fifty dollars.

For salary of Superintendent of Public Instruction, six thousand dollars.

For salary of Deputy Superintendent of Public Instruction, three thousand six hundred dollars.

For salary of Clerk of Superintendent of Public Instruction, three thousand dollars.

Appropriations authorized.

For contingent expenses of Superintendent of Public Instruction, two hundred dollars.

For pay of Porter in office of Superintendent of Public Instruction, four hundred dollars.

For postage and expressage in office of Superintendent of Public Instruction, one thousand six hundred dollars.

For traveling expenses of Superintendent of Public Instruction, three thousand dollars.

For salary of Secretary State Board of Health, five thousand dollars.

For mileage and contingent expenses State Board of Health, two thousand dollars.

For salaries of members State Board of Examiners, seven thousand dollars.

For salary of Clerk of State Board of Examiners, two thousand four hundred dollars.

For salary of State Librarian, six thousand dollars.

For salaries of Deputies to State Librarian, seven thousand two hundred dollars.

For pay of Porter in State Library, eighteen hundred dollars.

For postage and expressage in State Library, four hundred dollars.

For salary of Adjutant-General, six thousand dollars.

For salary of Assistant Adjutant-General, four thousand dollars.

For pay of Porter in Adjutant-General's office, six hundred dollars.

For postage and expressage in Adjutant-General's office, two hundred dollars.

For cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General, one thousand five hundred dollars.

For payment of armory rents, and other expenses of National Guard, ninety thousand five hundred and twenty-eight dollars.

For salaries of Justices of the Supreme Court, sixty thousand dollars.

For salary of Supreme Court Reporter, twelve thousand dollars.

For salary of Clerk of the Supreme Court, eight thousand dollars.

For salaries of Deputy Clerks of Supreme Court, ten thousand eight hundred dollars.

For pay of Porter to Clerk of Supreme Court, four hundred dollars.

For salary of Phonographic Reporter to Supreme Court, six thousand dollars.

For salary of Secretary to Justices of Supreme Court, six thousand dollars.

For salary of Bailiff and Porter to Supreme Court, two thousand four hundred dollars.

For postage and contingent expenses of Supreme Court, five hundred dollars.



For expenses of the Supreme Court, as provided in section fifty-one of Code of Civil Procedure, thirty thousand dollars. Appropriations authorized.

For postage and contingent expenses of Clerk of Supreme Court, five hundred dollars.

For salaries of District Judges, two hundred and forty-two thousand dollars.

For salary of Insurance Commissioner, six thousand dollars.

For salary of District Judge of the Twenty-third Judicial District, from April fifteenth to June thirtieth, eighteen hundred and seventy-eight, twelve hundred and fifty dollars, to be paid during the twenty-ninth fiscal year.

For salary of Clerk to Insurance Commissioner, three thousand six hundred dollars.

For rent, printing, and contingent expenses, in the office of Insurance Commissioner, five thousand dollars.

For salaries of Transportation Commissioners, eighteen thousand dollars.

For salary of Secretary to Transportation Commissioners, three thousand six hundred dollars.

For contingent expenses of Transportation Commissioners, six hundred dollars.

For salary of Superintendent of State Printing Office, four thousand eight hundred dollars.

For support of State Printing Office, including pay of employes, one hundred thousand dollars.

For pay of employes of State Capitol building and grounds, twenty-eight thousand eight hundred dollars.

For payment of rewards offered by the Governor, four thousand dollars.

For arresting criminals without the limits of the State, five thousand dollars.

For traveling expenses of Surveyor-General and Attorney-General, when engaged in contests between the State and United States, in relation to public lands, one thousand dollars.

For services of State Board of Examination, one thousand six hundred dollars.

For traveling expenses of State Board of Education, five hundred dollars.

For support of State Normal School, sixty-six thousand six hundred dollars.

For education and care of the deaf, dumb, and blind, seventy-two thousand dollars.

For official advertising, five thousand dollars.

For the restoration and preservation of fish in the waters of the State, ten thousand dollars.

For stationery, fuel, lights, etc., for the Legislature and State officers, twenty-five thousand dollars.

For payment of rewards for arrest of highway robbers, twelve thousand dollars.

For purchase of Supreme Court Reports, five thousand four hundred dollars.

For services of Registers and Receivers of United States Land Offices, three thousand dollars.

Appropriations authorized.

For support of State Prison, three hundred thousand dollars.

For transportation of prisoners to the State Prison, fifty-five thousand dollars.

For support of California Asylum for Insane (at Stockton), three hundred and twenty thousand dollars; *provided*, that of this amount not more than one hundred and twenty-eight thousand dollars shall be allowed during the thirtieth fiscal year.

For support of the Napa Branch Asylum for the Insane, two hundred and twenty thousand dollars.

For transportation of the insane to the Asylums, fifty thousand dollars.

For purchase of ballot paper, and not to be used until the paper is wanted for use, ten thousand dollars; *provided*, that the Secretary of State is hereby authorized to sell the paper now on hand at current rates, and to sell all paper hereafter purchased by him at the cost price thereof.

For translating into Spanish the laws of the twenty-second session of the Legislature, fifteen hundred dollars; *provided*, that this appropriation may be expended without regard to fiscal years.

For the support of the inmates of the orphan asylums of the State, under whatever name or title, the sum of one hundred dollars per annum for each whole orphan, the sum of seventy-five dollars per annum for each half orphan, and the sum of seventy-five dollars per annum for each abandoned child; *provided*, that nothing in any law shall be so construed as to authorize the payment of any greater sum for the support of orphans, half orphans, or abandoned children, by the State, than is herein appropriated; *provided*, that no asylum with less than twenty inmates shall be entitled to any State aid.

For water for irrigating and purchase of hose and implements, to be used on the State Capitol grounds, three thousand dollars.

For repairs to State Capitol building and furniture, one thousand dollars.

For water used in the State Capitol, twelve hundred dollars.

For furnishing and equipment of the Mining Arts' College of the State University, ten thousand dollars.

For furnishing and equipment of the Agricultural College Department of the State University, ten thousand dollars.

For payment of interest on one hundred thousand dollars, provided to be paid to the Directors of Hastings' College of the Law, the sum of fourteen thousand dollars.

For the permanent improvement of the State Capitol grounds, twenty thousand dollars, to be expended upon that portion of said grounds lying to the east of the State Capitol building; the money to be expended under the direction of the Board of State Capitol Commissioners.

Secretary to furnish stationery, etc.

SEC. 2. All stationery, blank books (except such as have been made to order), light, and fuel required by the Supreme Court, State officers, and Legislature, shall be furnished by

the Secretary of State upon the requisition of the Judges, State officers, or members of the Legislature, requiring the same; and the Secretary of State shall include, in his biennial report to the Governor, a statement, under oath, showing the cost of the articles so furnished the Judges, State officers, and members of the Legislature. The stationery, blank books, light, and fuel shall be procured by the Secretary of State in the manner required by law.

SEC. 3. The sums that are herein appropriated for contingent expenses of the Senate and Assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 4. The various State officers, except the Governor, to whom appropriations, other than salaries, are made under the provisions of this Act, shall, with their biennial reports, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments have been expended; and the State Board of Examiners are hereby expressly prohibited from allowing any demands payable out of such appropriations until the same are presented in an itemized form, stating specifically the service rendered, time employed, distance traveled, and necessary expense thereof; if for articles purchased, the name of each article, together with the price paid for each, and of whom purchased, with the date of such purchase: *provided*, that no officer shall use or appropriate any money for any purpose whatsoever, appropriated by this Act, unless authorized by law.

SEC. 5. The following sums of money are hereby appropriated to the objects and purposes herein expressed: Magdalen Asylum, at San Francisco, five thousand dollars; San Francisco Female Hospital, six thousand dollars; Protestant Episcopal Church Home, San Francisco, one thousand dollars; Old Woman's Home, Rincon Hill, San Francisco, fifteen hundred dollars; Little Sisters' Infant Shelter, San Francisco, one thousand dollars; Sisters of Mercy Hospital, Los Angeles, two thousand dollars; Howard Benevolent Association, Sacramento, two thousand five hundred dollars; Stockton Benevolent Association, one thousand dollars; Marysville Benevolent Association, one thousand dollars; Ladies' Benevolent Society of Placerville, one thousand dollars; St. Luke Hospital, San Francisco, one thousand five hundred dollars; Scandinavian Ladies' House, San Francisco, five hundred dollars; Ladies' Relief Society, Sacramento, one thousand dollars; Vallejo Ladies' Benevolent Society, one thousand dollars; San José Ladies' Benevolent Society, two thousand dollars; San Diego Benevolent Society, one thousand dollars; Pacific Dispensary for Women and Children, San Francisco, one thousand dollars; Grass Valley Ladies' Relief Society, one thousand dollars; Nevada Benevolent Society, one thousand dollars; Ladies' Aid Society, Petaluma, one thousand dollars; twenty-five hundred dol-

Officers to submit statement.

Appropriations authorized.

Appropriations authorized.

lars to the Board of Directors of the State Prison, to be used by them in furnishing transportation to discharged prisoners from the Penitentiary to their homes, to be used in the discretion of the said Board of Directors; *provided*, that not more than fifteen dollars shall be furnished to any one prisoner; to the Ladies' Benevolent Society of Los Angeles, one thousand dollars; to the Youths' Directory, San Francisco, two thousand dollars; to the Los Angeles Free Dispensary, three hundred dollars.

SEC. 6. Not more than one-half of the respective appropriations made under this Act shall be expended during the thirtieth fiscal year, unless the same has been expressly authorized as hereinbefore provided.

CHAP. DCLIV.—*An Act to attach a portion of King's River Switch School District, in Tulare County, to Kingsburg School District, in Fresno County.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Districts consolidated.

SECTION 1. All that portion of King's River Switch School District, in the County of Tulare, lying north and west of King's River, is hereby attached to and consolidated with and made a part of Kingsburg School District, of Fresno County, for school purposes only, to hold school property, and enjoy all other rights and privileges in common as one school district.

Duty of Census Marshal.

SEC. 2. It shall be the duty of the Census Marshal of Kingsburg School District to report, to the County Superintendent of Tulare County, all school children entitled to draw school money living in that portion of Kingsburg School District within Tulare County, and the said Superintendent must apportion to Kingsburg School District a pro rata amount of all county school funds, and place the same to the credit of said Kingsburg School District, subject to the orders of the Trustees thereof.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. DCLV.—*An Act to amend an Act entitled an Act to re-incorporate the City of Napa, approved February twenty-fourth, one thousand eight hundred and seventy-four, as amended by an Act approved March twenty-ninth, one thousand eight hundred and seventy-six.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three of said Act is hereby amended so as to read as follows: Section three. The corporate powers of the City of Napa shall be vested in a Board of five Trustees. The officers of said city shall be a Board of five Trustees, a City Treasurer, a City Assessor, a City Clerk, a City Collector, a City Marshal, a City Attorney, a City Surveyor, and a City Superintendent of Streets. The Marshal shall be ex officio Assessor; the Treasurer shall be ex officio Collector and Clerk; the City Surveyor shall be ex officio City Superintendent of Streets. An election shall be held annually by the qualified electors of the city, on the first Monday in May, for the election of two or three Trustees, a Marshal and ex officio Assessor, and a Treasurer and ex officio Collector and Clerk. Two Trustees shall be elected at the election to be held in May, A. D. eighteen hundred and seventy-eight, and two each alternate year thereafter, and three Trustees shall be elected at the election to be held in May, A. D. eighteen hundred and seventy-nine, and three each alternate year thereafter. The three Trustees who were elected in May, A. D. eighteen hundred and seventy-seven, shall hold office during the term of two years from the date of their election, and until their successors are elected and qualified, and said Marshal and ex officio Assessor, and Treasurer and ex officio Collector and Clerk, shall hold their offices for the term of one year, and until their successors are chosen and qualified. Any person shall be qualified to vote for any city officer, or hold any city office, who shall be a qualified elector under the Constitution and laws of this State, and who shall have resided in the city thirty days next before the election. All elections shall be conducted by three Judges, to be appointed by the Board of Trustees, and they may appoint two Clerks of Election. Should the Judges, or any of them, fail to attend, the electors present may appoint others in their stead. Notice of all elections shall be given by the publication in some newspaper published in the city at least seven days before such election. All elections shall be conducted in the same form and manner and according to the laws regulating elections, and returns shall be made by the Judges to the Board of Trustees, with a list of the persons voting at such election, and the ballots cast, and the Board shall, at their first regular meeting after such return, canvass the same, declare the result, and issue certificates of election to the person or persons having the highest number of votes at such canvass.

Corporate powers and officers.

Election.

Qualified persons.

Elections, how conducted.

Recount of  
ballots.

The Board shall, at the request of any elector, recount the ballots, and declare the result in accordance with such recount; *provided*, that at such election no copy of the Great Register shall be necessary, but the Judges of Election may require any voter to produce a certificate of registration from the County Clerk; *and provided*, that the election of Trustees may be contested in the County Court, in the manner prescribed by Title Two, Part Three, of the Code of Civil Procedure, the word "city" being substituted for "county" whenever the same is used in said Title. In case of a vacancy arising from any cause in any of the offices made elective by this Act, the Board of Trustees shall order and give notice of an election to fill such vacancy, unless the unexpired term of said office shall be less than six months, in which case the Board of Trustees shall, if necessary, fill said office by appointment.

Vacancy;  
how filled.

Compensation of  
officers.

SEC. 2. Section five of said Act is hereby amended so as to read as follows: Section five. The compensation of the officers shall be as follows: The Trustees each, one dollar per annum. The Assessor, Treasurer, Marshal, City Clerk, Collector, City Attorney, City Surveyor, and City Superintendent of Streets, such sum per annum as the Trustees may determine; *provided*, that the annual compensation so allowed the said officers shall not exceed the following sums, to wit: The Treasurer, as Treasurer and ex officio Collector and Clerk, the sum of five hundred dollars; the Marshal, as Marshal and ex officio Assessor and Collector of poll and dog taxes, the sum of five hundred dollars; the City Attorney, the sum of five hundred dollars; the City Surveyor, as Surveyor and ex officio Superintendent of Streets, the sum of five hundred dollars. The Marshal and City Attorney shall, in addition to the sum allowed by the Trustees, receive such fees and commissions as may be provided for them in this Act. The City Surveyor and ex officio City Superintendent of Streets shall, in addition to the sum allowed by the Trustees, receive such fees and commissions as may be provided for him by ordinance.

Oath and  
bonds of off-  
icers.

SEC. 3. Section eight of said Act is hereby amended so as to read as follows: Section eight. All officers of the corporation, before entering upon the duties of their office, shall take the oath prescribed in the Constitution, and the Marshal, Assessor, Treasurer, Collector, City Surveyor, and City Superintendent of Streets, shall give bonds for the faithful performance of their duties, payable to the corporation, by its corporate name, to be approved by the Board of Trustees, in such penal sum as shall have been prescribed by ordinance; *provided*, that the Treasurer shall give one bond only, which shall be deemed to cover all his duties as both Treasurer and Collector, and that the City Surveyor may give one bond only, which shall be deemed to cover all his duties as both Surveyor and Superintendent of Streets. If, from any cause, such bonds shall, at any time, become insufficient, in the opinion of the Board, they may require of any officer such new or additional bonds as they may deem necessary.

SEC. 4. Section eleven of said Act is hereby amended so

as to read as follows: Section eleven. The Board of Trustees are hereby authorized and empowered to enact such by-laws, resolutions, and ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary or proper in the exercise of the powers herein conferred upon them. The Board of Trustees shall have power:

Power and  
duty of  
Trustees.

*First*—To manage and take care of the property and finances of the city.

*Second*—To provide for laying out, opening, widening, extending, altering, vacating, working, grading, improving, repairing, and sewerage of streets, avenues, and alleys, and public parks and squares, and for preventing and removing nuisances or obstructions therein, and for acquiring or condemning lands for city purposes and highways, by purchase or by proceedings prescribed by Title Seven, Part Three, of the Code of Civil Procedure; *provided*, that the Trustees shall not vacate any street, avenue, or alley, or portion thereof, without the consent of the owners of at least two-thirds of the frontage on said street, avenue, or alley.

*Third*—To establish the grade of all streets, avenues, and alleys, and to require and enforce conformity thereto.

*Fourth*—To provide for the drainage and sewerage of the city.

*Fifth*—To establish and regulate a fire department, and provide such means, measures, or materials, for the prevention or extinguishment of fires, as they may deem necessary to protect the city from fire.

*Sixth*—To provide the streets and city buildings with gas and water necessary for their proper use, and to grant to any gas or water company authority to lay down pipes in the streets, avenues, and alleys of the city for the supply of gas and water for the streets and buildings for a term not exceeding twenty-five years; but they shall reserve the right to grant similar privileges to other companies, and shall require the laying down of pipes to be under the reasonable direction of the city authorities, and to be so laid as to do no injury to the proper use of paving, planking, or macadamizing of streets, avenues, or alleys, nor to property situated thereon; and they shall impose such restrictions and conditions upon the location and construction of gas and water-works, and pipes, as shall secure the least possible public or private inconvenience; and they shall provide for the enforcement of such restrictions and conditions; they may contract with gas and water companies for supplying the streets, public buildings, and cisterns with necessary gas and water for the public use, but no contract shall extend beyond the term of office of the members of the Board making such contract.

*Seventh*—To license, and impose and collect a license tax upon theaters, concerts, circuses, shows, and other entertainments and exhibitions to which an admission fee is charged; also upon bars at which spirituous or malt liquors are sold; also upon billiard tables and bowling alleys kept for gain or

Power and  
duty of  
Trustees.

hire; and they may impose a license tax upon any and all business not prohibited by law.

*Eighth*—To prohibit and suppress gaming and gambling houses, dance-houses, fandangoes, disorderly houses, and houses of ill-fame, immoral or indecent amusements, exhibitions, or shows, nuisances of every description, and all kinds of vice, and immoral and indecent conduct; and to provide, by ordinance, that all drinking saloons, bars, bar-rooms, or places where vinous, malt, or spirituous liquors are sold, dispensed, or given away to be drank on the premises, shall be closed in the night time, at and during such hours as they may fix.

*Ninth*—To levy and collect, annually, a tax on all property in the city, not exceeding thirty-five cents on each one hundred dollars of the assessed valuation thereof, and to prescribe the manner of making assessments and collecting such tax. Taxes so levied shall become a lien upon the real estate chargeable therewith, from the first Monday in March preceeding the levy, and until paid; and such lien shall take precedence of all mortgages and other liens, except the lien for State and county taxes.

*Tenth*—To levy and impose assessments upon property fronting on streets, avenues, and alleys, for the purpose of paying the costs, charges, and expense of grading, improving, working, repairing, draining, and laying sewers in said streets, avenues, and alleys, or constructing sidewalks therein, and to provide for the enforcement and collection of assessments by sale of such property, if necessary; *provided*, that real property, sold for delinquent taxes or assessments, shall be sold to the person who will take the least portion of the property and pay the tax or assessment due thereon, and all costs and charges, and all such sales shall be subject to redemption as in other sales under execution.

*Eleventh*—To impose and collect a poll tax, not exceeding two dollars per annum, on every male inhabitant of the age of twenty-one years and under sixty years, and to enforce the payment thereof by the sale of the property or otherwise, which said poll tax shall be collected by the City Marshal.

*Twelfth*—To impose and collect a tax of not exceeding five dollars per annum on every dog found at large within the corporate limits of the city, which said dog tax shall be collected by the City Marshal.

*Thirteenth*—To regulate or prevent the keeping of gunpowder, hay, and other dangerous or inflammable substances within the city.

*Fourteenth*—To require any land or building to be cleaned at the expense of the owner or occupant thereof, and upon his default, after notice, to cause the work to be done, and to assess the expense thereof upon the land or building.

*Fifteenth*—To prohibit and prevent the running at large of any and all domestic animals within the limits of the city, and to establish and maintain a pound for such animals, and to appoint a Poundmaster, or confer the duties of Poundmaster upon the Marshal, who shall be paid out of



the fines collected from the owners of animals impounded, or from the sales of such animals, and from no other source. Power and  
duty of  
Trustees.

*Sixteenth*—To prescribe penalties and forfeitures for the breach or non-observance of the city ordinances, but no penalty shall be imposed on any person for any one breach of any ordinance exceeding one hundred dollars. Such penalties may be recovered before any Justice of the Peace having his office within the corporate limits of the city, by civil suit brought by the City Attorney in the name of the corporation, and against the person violating any ordinance, and execution to collect the same shall be issued as in other civil cases, and in such cases persons living in the city, if in other respects competent and qualified, shall be competent jurors, and when judgment is rendered in any such action for the city, there shall be taxed, as costs against the defendant, in addition to other costs, the sum of ten dollars, which the City Attorney shall receive as his fees. All penalties and forfeitures so collected shall, by the officer receiving the same, be paid over to the Treasurer of the city; *provided*, that under no circumstances shall the city be liable for the fees of the Attorney.

*Seventeenth*—To establish a police department, and appoint policemen and watchmen, and regulate the proceedings and conduct of the same, and to discharge the same.

*Eighteenth*—To establish, maintain, and regulate a City Prison; *provided*, that until otherwise ordered by the Board of Trustees, the County Jail of the County of Napa shall be the City Prison, and the Sheriff of said county shall be the City Jailer, with like duties and powers as are imposed upon and vested in him in relation to the prisoners committed to his custody under the statute; and for the boarding and keeping of said city prisoners he shall be allowed a reasonable compensation, to be determined by the Board of Trustees, and paid out of the city treasury, which compensation shall, in no case, exceed the sum paid by the county for the boarding of prisoners confined in said Jail under the statute.

*Nineteenth*—To build or rent buildings for the use of said city, and for the use of the fire and police department thereof.

*Twentieth*—To provide for the formation of a chain-gang for persons convicted of crimes or misdemeanors, or breach or violation of city ordinances, and for their proper employment for the benefit of the city.

*Twenty-first*—To provide for the punishment, by fine or imprisonment, or both, of an act prohibited by an ordinance, in which case such act may be prosecuted by the City Attorney, in the name of the people of the State of California, before any Justice of the Peace having his office within the corporate limits of the City of Napa, in like manner as misdemeanors are prosecuted under the statute, and said Justices' Courts shall have jurisdiction over breaches and violations of city ordinances and non-compliance therewith, and the proceedings in such cases shall be in like form as proceedings in criminal cases under the statute; *provided*, that no fine for any one offense shall exceed one hundred dollars, and no judgment of imprisonment for any

Power and  
duty of  
Trustees.

one offense shall exceed one hundred days; an alternate judgment may be rendered imposing a fine, and on failure to pay the same imprisoning the person one day for each dollar of such fine. Such imprisonment shall be in the City Prison. In proceedings for the breach, violation of, or non-compliance with any city ordinance, Justices of the Peace, Constables, police officers, and the Marshal may receive the same fees as are allowed for similar services in cases of misdemeanor prosecuted under the statute; and all fines and penalties imposed and collected in proceedings for the breach of, violation of, or non-compliance with a city ordinance, shall be applied to the payment of the costs of the proceedings, including the sum of ten dollars which the City Attorney shall receive as his fee, and the remainder, if any, shall be paid into the city treasury.

*Twenty-second*—To build, alter, improve, keep in repair, and control the water front; to build, alter, improve, keep in repair wharves, and to fix the rates of wharfage and transit dues upon vessels and commodities, and to provide for the collection thereof; to provide for the regulation of berth, landing, stationing, and removing of steamboats, sail vessels, rafts, and all other water-crafts, and fix the rate of speed at which steamboats may run along the water front of the city.

*Twenty-third*—And in addition to the powers herein expressly granted, the Board of Trustees shall have power to pass such other by-laws and ordinances for the regulation and police of the city as they may, from time to time, deem necessary.

*Twenty-fourth*—And to provide for the opening and closing of the drawer and repairs of Third Street bridge.

*Twenty-fifth*—No contract shall be made with a Chinese or other Mongolian to perform any work upon the public streets, highways, parks, or elsewhere in the City of Napa, when such work is under the direction of the Board of Trustees and the expense thereof is payable out of any fund of said city, or any fund assessed and collected upon the property fronting on any street, highway, or alley, for purposes of improvement thereof; nor shall any Mongolian be employed in any capacity by said Board of Trustees. In all contracts for the construction or repairs of any street, highway, park, or other improvement, it shall be stipulated that the contractor shall not employ or make use of Mongolian labor for any purpose in the performance of such contract, and that the violation of such stipulation shall forfeit all right or claim against the city for compensation under such contract. It shall not be lawful for the Board to pay any money for a Mongolian employed by them, or for the compensation of any contractor who shall violate the said stipulation in his contract; nor shall the City Treasurer pay any money for such purpose. Any taxpayer of the City of Napa may maintain an action in his own name to enjoin an allowance by the Board, or payment by the Treasurer, of any such illegal claim. Nothing in this twenty-fifth subdivision of section eleven of this Act shall be held to exempt any Chinese or

other Mongolian, under sentence of imprisonment, from working on the public streets, highways, parks, or elsewhere in the City of Napa, by order of the Board of Trustees.

SEC. 5. Section twelve of said Act is hereby amended so as to read as follows: Section twelve. The Board of Trustees shall prescribe, by ordinance, the duties of Marshal, Assessor, Treasurer, Surveyor, and Superintendent of Streets; *provided*, that the Treasurer, as Collector, shall collect all taxes which shall be levied by the Board of Trustees and which shall be paid without suit.

SEC. 6. Section eighteen of said Act is hereby amended so as to read as follows: Section eighteen. The City of Napa shall not pay for establishing the grade, grading, working, improving, or repairing streets, avenues, or alleys, laying down or constructing sewers therein, or sidewalks or crosswalks thereon; but all such expenses shall be assessed upon the property fronting on such streets, avenues, and alleys as hereinafter provided, except as hereinafter also provided, and except also that when any street, avenue, or alley, or portion thereof not less than one block in extent, has or shall hereafter be graded and paved or macadamized, and have paved gutters, and plank, stone, or other suitable sidewalks laid down along, and suitable crosswalks on the same, at the expense of the property, or owners of the property, fronting on such street, avenue, or alley, or portion thereof, and to the satisfaction and acceptance of the Board of Trustees, the same may thenceforth be kept in repair at the expense of the city; *provided*, that this section shall not be construed as relieving the property, or the owner thereof, from the expense of constructing a sewer in any such street, avenue, or alley, when ordered by the Board of Trustees.

Payment of improvement of streets.

SEC. 7. Section thirty of said Act is hereby amended so as to read as follows: Section thirty. The Board of Trustees may, at any time, without petition, by an order entered in the journal of their proceedings, provide for grading, filling, planking, paving, macadamizing, or graveling streets, avenues, alleys, or portions thereof, constructing sidewalks along or sewers therein, or otherwise improving or repairing the same, and shall proceed in letting contracts, and in assessing the expense of such work upon the property chargeable therewith, and enforcing the same, in the same manner as in cases of assessments made upon petition; *provided*, that when the Board of Trustees shall make an order for the construction of a sewer in any street or avenue, whether upon petition or otherwise, said Board shall proceed in assessing the expense of such work upon the property fronting on such street or avenue, or portion thereof thus ordered to be improved, to an amount not exceeding fifty cents per running or lineal foot of the frontage of property fronting on such street or avenue, and in enforcing the said assessment in the same manner as in cases of assessments made upon petition, and the cost of such sewer, in excess of fifty cents per lineal foot of the frontage of property on said street or avenue, shall be paid out of the Sewer

Board may provide for improvement without petition.

**Sewer Fund.** Fund; and the Board of Trustees are empowered to levy and collect, annually, a tax on all property in the city, not exceeding fifty cents on each one hundred dollars of the assessment valuation thereof, and to prescribe the manner of making such assessment, and of collecting such tax, which tax, when collected, shall constitute the Sewer Fund, or such excess may be paid out of the General Fund in the city treasury, at the discretion of the Board of Trustees; *and provided*

**Proviso.** *further*, that in cases in which such work shall be estimated by said Board of Trustees to involve an expense of more than fifty dollars, and not otherwise, the said Board of Trustees shall first give notice of its intention to make such improvement, which notice shall be published at least ten days in some newspaper published in said city; *and provided further*, that when the Board of Trustees give notice of intention to order any street, avenue, or alley, or portion thereof, graded, filled, plankod, paved, macadamized, or graveled, or any sidewalk constructed, involving an estimated expenditure exceeding fifty dollars, and at least two-thirds of the owners in frontage of lots and lands fronting on such street, avenue, or alley, shall remonstrate, in a written protest, against the making of the proposed improvement, and shall file such remonstrance with the City Clerk within three days after the completion of the publication of such notice of intention, such proposed improvement shall not be made until after the expiration of six months, and then only after publication of like notice of intention, as aforesaid, and subject to like remonstrance; *and provided still further*, that the Board of Trustees of said city are authorized and empowered to refund and pay over to the owners of property fronting on Brown Street in said city, out of any money that may hereafter be in the treasury of said city, the amount of the assessment which such property owners have heretofore paid into the city treasury on account of the construction of the sewer in said Brown Street, in excess of fifty cents per lineal foot of the frontage of their property fronting on said street.

CHAP. DCLVI.—*An Act authorizing the State Board of Examiners to allow certain claims against the State.*

[Approved April 1, 1873.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Payment of  
claim au-  
thorized.

SECTION 1. The State Board of Examiners are hereby authorized to allow and order paid to Denis Jordan, who built the College of Agriculture under contract with the Board of Regents of the State University, and whose contract was made upon the basis of payments in gold coin, and who was paid in scrip instead, such sum of money as the Board of Regents shall certify to be equitably due them, or equal

the losses on such scrip; also, for certain extra work and materials furnished for College of Agriculture, College of Letters, and building of reservoir on the grounds of the State University, but such allowance shall not exceed the sum of six thousand six hundred and seventeen dollars (\$6,617 00). The Controller of State shall draw a warrant on the General Fund, which shall be paid by the State Treasurer, for such amount as the said Board of Examiners may allow Denis Jordan under the provisions of this Act.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DCLVII.—*An Act authorizing and directing the Supervisors of San Mateo County to open, put in order, and maintain Middlefield road, from Redwood City to San Francisquito Creek; and also, to open and macadamize the bay and marsh roads, and for that purpose to appropriate, from the General Fund of said county, the sum of five thousand dollars.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the County of San Mateo is hereby authorized, empowered, and directed to open, grade, and gravel Middlefield road, in said County of San Mateo, from Redwood City to San Francisquito Creek; and also, to open, macadamize, and keep in order the bay road and the marsh road in said County of San Mateo. Opening of  
road.

SEC. 2. The Board of Supervisors of the County of San Mateo is hereby authorized, empowered, and directed to appropriate, from the General Fund of said county, the sum of five thousand dollars, to carry out the improvements mentioned in section one of this Act. Appropriation.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. DCLVIII.—*An Act to repeal an Act entitled "An Act to provide for constructing division fences," approved March ninth, eighteen hundred and seventy-six, so far as said Act relates to the County of San Mateo.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An Act entitled "An Act to provide for constructing division fences," approved March ninth, eighteen hundred and seventy-six, is hereby repealed so far as said Act applies to the County of San Mateo. Repeal.

SEC. 2. This Act shall take effect and be in force from and after its passage and approval.

CHAP. DCLIX.—*An Act to prevent hogs and goats running at large in the Town of Plymouth, Amador County.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

**Unlawful.** SECTION 1. It shall be unlawful for hogs and goats to run at large in the Town of Plymouth, Amador County.

**Duty of Constables.** SEC. 2. It shall be the duty of the Constables of Township Number Six, Amador County, to take up all hogs and goats found running at large within the limits of the town site of the Town of Plymouth.

**Same.** SEC. 3. The Constables shall proceed to sell all such animals taken up under the provisions of this Act, by giving at least five days' public notice of such sale, by posting notices in three public places within the town site where such animals are so taken up; and all moneys arising from such sale shall, after the expenses of taking up, keeping, and selling are paid, be paid by the Constable to the owner or owners of the animal or animals, upon demand, if demanded within thirty days from date of sale, otherwise it shall, at the expiration of thirty days, be paid into the county treasury of Amador County, and be placed to the credit of Plymouth School District, and become a part of the fund of said district.

**Misdemeanor.** SEC. 4. Any Constable purposely refusing or neglecting to take up all hogs or goats running at large within the limits of the town site of Plymouth shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars and not more than twenty-five dollars.

SEC. 5. Nothing in this Act shall be construed to prevent persons from driving such animals through any public streets or thoroughfares of said town.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. DCLX.—*An Act to authorize the transfer of certain funds in the County of Sutter.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

**Transfer of surplus money.** SECTION 1. Whenever there are any funds to the credit of any road district, in the County of Sutter, which are not

needed for the purposes of said district, and a majority of the taxpayers of such road district shall present to the Board of Supervisors of said county a petition, asking that such surplus be transferred to the school district having the same boundaries as said road district, said Board of Supervisors shall thereupon order the County Treasurer to transfer such surplus to the credit of such school district, and, upon the receipt of a copy of such order, the County Treasurer shall make the transfer required, and the County Superintendent of Public Schools of said county shall, upon the receipt of a copy of said order, place to the credit of the said school district the funds so ordered transferred.

SEC. 2. This Act shall take effect and be in force from and after its passage.

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CHAP. DCLXI.—[See volume of *Amendments to the Codes*.]

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CHAP. DCLXII.—*An Act to provide for the election of Supervisors in the County of Mendocino.*

[Approval April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION. 1. The County of Mendocino shall consist of five Supervisor Districts, composed as follows: The Townships of Anderson and Sanel shall constitute the First Supervisor District; the Townships of Ukiah and Calpella shall constitute the Second Supervisor District; the Townships of Little Lake and Round Valley shall constitute the Third Supervisor District; the Townships of Ten-mile River and Big River shall constitute the Fourth Supervisor District; the Township of Arena shall constitute the Fifth Supervisor District.

SEC. 2. The Board of Supervisors shall consist of five members, one of whom shall be chosen from each of the Supervisor Districts in said county. Each Supervisor shall be a resident and elector of the district for which he is chosen, and all Supervisors of said county shall be chosen by the electors of the whole county. They shall each hold office for a term of two years, and until their successors are elected and qualified.

SEC. 3. Each member of the Board of Supervisors shall receive a salary of three hundred dollars per annum, to be paid quarterly, in the months of February, May, August, and November, of each year; and each Supervisor shall also receive the same mileage as is now allowed by law.

SEC. 4. Within twenty days after the passage and approval

Appoint-  
ment of Su-  
pervisors.

of this Act, the County Judge of Mendocino County shall appoint one Supervisor from the first district, and one Supervisor from the fifth district, who shall hold office until their successors are elected and qualified.

Election of  
Supervisors.

SEC. 5. At the Congressional election, next after the passage and approval of this Act, and every two years thereafter, there shall be elected two Supervisors, to wit: One from the first district, and one from the fifth district. At the general election for State and county officers, to be held in the year eighteen hundred and seventy-nine, and every two years thereafter, there shall be elected three Supervisors, to wit: One from the second district, one from the third district, and one from the fourth district.

Chairman.

SEC. 6. At the first regular meeting of the Board, next succeeding each election, a Chairman of the Board shall be elected, who shall hold office for one year, or until his successor is elected. At the election for Chairman all the members of the Board shall be entitled to vote, but the Chairman shall be selected from among those members of the Board whose terms of office are nearest expiration; *provided*, that an election for Chairman may be held at the first regular meeting after the County Judge has appointed the two Supervisors as provided for in section four of this Act.

SEC. 7. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 8. This Act shall take effect and be in force from and after its passage and approval.

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CHAP. DCLXIII.—*An Act to amend an Act entitled an Act to provide for funding the indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Duty of  
Treasurer.

SECTION 1. Section thirteen of the above named Act is hereby amended so as to read as follows: Section thirteen. It shall be the duty of said Treasurer to set apart a fund to be called the "Sinking Fund" of the County of Mendocino." Into this fund shall be paid—

What shall  
be paid into  
fund.

*First*—Any and all surplus of the Interest Fund as aforesaid.

*Second*—Whatever surplus may remain in the treasury of the said County of Mendocino on the first day of January, one thousand eight hundred and sixty-three, and on the first day of January every year thereafter, after paying the ordinary yearly expenses of the county, each of said payments to be continued until said Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds aforesaid, and the same shall be paid and liqui-



dated, the payment shall cease, and all surplus remaining in said Sinking Fund shall be paid into the common treasury of the county. Whenever, at any time, there shall be in the Sinking Fund a sum of money amounting to five hundred dollars, or upwards, the County Treasurer shall advertise in a public newspaper published in said county, for the space of two weeks, for sealed proposals for the redemption of said bonds. After the expiration of the time of publication, the Treasurer shall open the sealed proposals, in presence of the County Auditor, and shall pay and liquidate said bonds presented, at the lowest value at which they may be proposed to be liquidated; *provided*, the same shall not be more than their par value; *provided*, whenever there may be sufficient in the Sinking Fund for the extinguishment of the debt of said county, it shall be the duty of the said Treasurer to advertise in some newspaper published in the county, for the space of four weeks, for the redemption of the outstanding bonds of said county, as hereinbefore provided, after which time the said bonds cease to bear interest. (All funds of the Sinking Fund, hereafter divided or proportioned among the several bonds, shall be applied to the payment of said bonds in the order in which they are numbered, commencing with the lowest number.)

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they conflict.

SEC. 3. This Act shall take effect from and after its passage.

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CHAP. DCLXIV.—*An Act to fix the salary of the Clerk of the Mayor of the City and County of San Francisco, and to provide for the payment thereof.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The salary of the Mayor's Clerk of the City and County of San Francisco shall, from and after the passage of this Act, be fixed at two hundred and fifty dollars per month, in lieu of all other compensation, and shall be paid in the same manner that other official salaries are paid in said city and county. Salary of Clerk.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DCLXV.—*An Act to provide for the establishment and maintenance of public roads in Napa County.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Persons applying for location, etc., of road to file petition.

SECTION 1. Any person or persons proposing to apply for the location, alteration, or vacation of any road or highway, shall file a petition with the Clerk of the Board of Supervisors, which petition shall set forth specifically the place of beginning, the intermediate points, if any, a general description of the proposed route, the termination of said road, or the particular portion of said road to be altered, or vacated, and shall ask for the appointment of Viewers to survey said proposed road, alteration, or vacation, and the final confirmation and establishment thereof. Such petition shall be signed by at least ten persons, who shall be taxpayers upon real or personal property, and residents of the district or districts in which such proposed road, alteration, or vacation is located.

Petitioners to give notice.

SEC. 2. Some one of the parties, so petitioning, shall give notice to all persons owning or claiming land of the proposed location, alteration, or vacation, other than the petitioners, which said notice shall be made by personally serving the said parties so affected by the proposed location, alteration, or vacation, their agents, attorneys, guardians, or tenants in possession, at least ten days prior to the hearing, and in case such owner or claimants are non-residents, a copy of such petition shall be deposited in the post-office, directed to such owner or owners, claimant or claimants, if their residence be known, otherwise to their last known residence. Upon the hearing of said petition, by the Board of Supervisors, proof shall be made, by affidavit, that the notices hereinbefore provided have been given.

Petitioners to give bond.

SEC. 3. Upon the filing of the petition aforesaid, the petitioners, or some of them, shall enter into a bond, with sufficient sureties, in the sum of one hundred dollars, said bond to be approved by the County Judge, conditioned that the persons making such application will pay into the county treasury the amount of all costs or expenses in consequence of such application, for the use of the district or districts through which said proposed location, alteration, or vacation is petitioned for, in case the prayer of the petitioners should not be granted; and should such applicants fail to pay such costs or expenses within three months after such liability shall have occurred, then the Board of Supervisors shall cause said bond to be delivered to the District Attorney, whose duty it shall be to proceed forthwith to collect all sums due by the makers of the bond, according to law.

Applicants for damages to make petition in writing

SEC. 4. Any person or persons owning or claiming lands through or upon which it is proposed to locate and establish a public road or highway, and desiring to apply for damages in consequence of such location, shall make application by petition, in writing, to the Board of Supervisors, on the day

on which the application for such location shall be made, wherein they shall set forth the particular road referred to, the amount and character of the land affected thereby, and any other circumstances having relation to the subject of damages upon such land, which said petition shall specify the amount and nature of the damages, and shall be verified by the person or persons claiming the same, their agents or attorneys. All persons who fail to make application for damages at the time and in the manner specified in this section, shall be considered as waiving all rights to damages, and as dedicating the lands affected by the proposed location or alteration to the public use as a highway, and their failure so to do shall forever be a bar to any action for damages in any of the Courts of this State.

SEC. 5. Upon the filing of the petition, the bond, and the affidavit of service of notice, as hereinbefore provided, the Board of Supervisors shall appoint, as Road Viewers, three disinterested citizens, two of whom shall be residents of the district in which said proposed road is to be located, and one of whom shall be a practical surveyor, and shall place in the hands of such Road Viewers the petition for the road which they are to view, together with all applications for damages in the premises, and after taking an oath to perform, faithfully, the duties devolving upon them by law as such Road Viewers, they shall proceed to view the proposed location, alteration, or vacation, and shall decide whether such proposed location, alteration, or vacation is required for public convenience, and they shall take into consideration private as well as public interests, and the advantages the proposed location, alteration, or vacation will be to the party or parties claiming damages. If, in the opinion of the Road Viewers, the prayer of the petitioners is reasonable, and the location, alteration, or vacation is necessary to the public convenience, they may take to their assistance two chainmen and a marker, who shall be sworn by one of the Road Viewers, who are each hereby authorized to administer all oaths required by this Act, and shall proceed to survey said proposed location or alteration, and shall distinctly mark the commencement, the courses, distances, and termination of said route, and the surveyor shall make a plat and field notes of said survey, which shall be filed as a part of the report of said Road Viewers. Within the time fixed by the Board of Supervisors, they shall file with the Clerk of said Board a report of their proceedings in the premises, in which they shall set forth:

*First*—Who of them were present.

*Second*—That they were sworn.

*Third*—Whether such location, alteration, or vacation is or is not advisable.

*Fourth*—A plat and field notes of the survey.

*Fifth*—The expenses of the view and survey.

*Sixth*—The amount of damages (if any) sustained, separately, by each applicant for damages.

*Seventh*—The width of the road, which shall not exceed sixty-six feet.

Consideration of matters touching petition.

SEC. 6. Upon the day fixed by the Board of Supervisors for the return of said report, and the hearing thereof, which the Board may, from time to time, continue, the Board of Supervisors shall proceed to consider all the matters touching the original petition for the location, alteration, or vacation of any road, and all subsequent proceedings had thereon, in connection with the report of the Viewers on file, and such evidence as parties interested may introduce touching the same; but no evidence shall be taken at this time concerning damages, unless the parties so claiming damages have strictly complied with the provisions of section four of this Act, and if, in the opinion of said Board, the public good and convenience require that the proposed location, alteration, or vacation, should be established, it shall confirm the report thereon, in whole or in part, as it may deem advisable, and establish said location, alteration, or vacation, or as much thereof as it may deem advisable, as a public highway, either absolutely or upon conditions: when so established absolutely, the damages awarded, and the costs which have accrued, shall be paid out of the Road Fund of the district or districts through which said road is or is proposed to be located, and the said Board shall order warrants drawn accordingly. If there shall not, at the time, be sufficient money in such Road Fund or Funds to pay said warrants, then the petitioners shall pay or tender to the party or parties to whom damages have been awarded in said proceedings, the amount of such damages, and take in lieu thereof a warrant or warrants drawn on the Road Fund or Funds of said district or districts through which said road runs, or is to run. When, in the opinion of the Board, such proposed location or alteration is not of such public importance or necessity as to warrant them in directing such damages and costs to be paid from such Road Funds, absolutely, they may establish such location or alteration conditionally, upon the payment, by one or all of the petitioners, of all or any part of the damages awarded, or the costs which have accrued or may thereafter accrue in the opening of and establishing of such location or alteration, and the Board may, in cases where it appears that such location is designed principally for the accommodation of a limited number of persons, establish the same, upon condition that the petitioners, or any of them, shall pay all costs and damages resulting therefrom, and upon condition that the persons most directly interested in such location or alteration shall open, maintain, and keep the same in repair at their own expense; and, in such cases, may also provide that gates and openings on the route of said road may be established for the accommodation and as the best interests of the parties interested may require. If, in the opinion of the Board, the proposed location, alteration, or vacation is not necessary for the public good, or is not of sufficient importance to warrant the action asked for, it may refuse to confirm the report of the Road Viewers, and may discontinue proceedings in the premises, and it shall then direct the District Attorney to collect the expenses which may have accrued during the progress of the

proceedings had in the premises upon the Board provided for in section three of this Act. Whenever any public road is established, as contemplated in this Act, it shall be recorded by the Clerk of the Board, in a book to be kept for that purpose, which book shall be called the "Road Record" of the county. Upon the final establishment of any road, and the payment or securing of the damages finally awarded, the Clerk of said Board shall, within ten days thereafter, notify the Roadmaster of the district or districts within which such road is situated of the establishment thereof, and to furnish him with a specific description of said road; and it shall be the duty of the said Roadmaster or Roadmasters to open such road within thirty days from the reception of such notice, unless, for good cause shown, the Board of Supervisors may extend the time for opening the same, except in those cases where, as above provided, such roads shall be opened by the parties petitioning therefor.

SEC. 7. If any person or persons, claiming damages on account of the location or alteration of any road under the provisions of this Act, who have complied with section four of this Act, shall be dissatisfied with the award of the Road Viewers, and cannot agree with the Board of Supervisors as to the amount of damages sustained, and shall refuse to receive the same, the Board may cause proceedings to be taken, in the name of the county, to condemn the land or lands of such person or persons, according to the provisions of Title Seven, of Part Third, of the Code of Civil Procedure, entitled "Eminent Domain: *provided*, that if any such proceedings the damages adjudged to any such person or persons shall not exceed the amount awarded or offered by the Board of Supervisors to him or them, the county shall have judgment for costs.

Dissatisfaction with award.

SEC. 8. No road shall be opened, or any alteration thereof made, until all claims for damages shall have been passed upon and determined by the Board of Supervisors: *provided*, that if any person, over whose lands such roads shall pass, shall fail to present his claim for damages to the Board of Supervisors within the time prescribed, said person shall be deemed to have dedicated the land over which such road shall pass to public use; and such person shall be forever barred from bringing or maintaining any action or proceeding for damages therefor, and the road shall be opened according to the provisions of this Act.

Roads not opened until claims determined.

SEC. 9. Any person performing any service under the provisions of this Act, in reference to the view, location, or survey of roads, shall receive as compensation the following per diem each, to wit: Road Surveyor, five dollars; Viewers, three dollars; Surveyor's assistants, two dollars; which sums shall be allowed by the Board of Supervisors, and paid by their order, either by the petitioners or by warrants drawn on the District Road Fund of the district in which such service was performed.

Compensation.

SEC. 10. At the session of the Board of Supervisors, in each year, for levying State, county, and other taxes, the said Board shall levy upon all of the taxable property in said

Road tax.

Poll tax.

county a tax for road purposes of not more than fifteen cents on the one hundred dollars, which sum shall be levied and collected in the same manner as other taxes; and at the session of the said Board in February of each year, the said Board shall levy upon each man between the ages of twenty-one and sixty years, except Indians, a road poll tax for the year, commencing the first Monday in March succeeding the levy, which poll tax shall be collected by the Roadmaster of the proper district, in coin, as hereinafter provided, of every such person who shall within the year have resided within the State three months, and in the district ten days. All moneys received or collected for the taxes provided for in this section, shall constitute the County Road Fund, and be collected, appropriated, and distributed among the districts as hereinafter provided.

Annual tax  
to be levied  
for sinking  
fund.

Payment of  
outstanding  
warrants.

SEC. 11. The Board of Supervisors are authorized and required to levy a property tax annually, not to exceed twenty cents upon each one hundred dollars of real and personal property subject to taxation for State and county purposes, for the purpose of creating a sinking fund for the liquidation and payments of the debts known as the General and District Road Fund debts, and shall be levied and collected at the same time and manner as other State and county taxes, and paid over to the County Treasurer. Said fund shall be known as the Road Sinking Fund. Whenever there shall be an amount of money in said Road Sinking Fund of five hundred dollars or more, it shall be the duty of the County Treasurer to advertise for two successive weeks, in one weekly newspaper printed in said county, for sealed proposals for the surrender of warrants outstanding against the General and Road District Funds. The bids shall be opened by the Treasurer, in the presence of the Board of Supervisors, and the money awarded by the Board to the person offering to surrender the greatest amount of warrants for the least amount of money, and no payment shall be made of any outstanding indebtedness against said General and Road District Funds except as provided in this Act. The Board may refuse any and all bids for the surrender of warrants. In all cases the warrants shall accompany the bids; *provided*, that no bid shall be accepted above the par value of the warrants; *and provided further*, that the oldest warrants in order of registration shall in all cases have preference when the bids are equal.

Tax levied  
for general  
road pur-  
poses.

SEC. 12. The Board of Supervisors, at the time of levying State and county taxes in the year A. D. eighteen hundred and seventy-eight, shall levy upon all the assessable property in the county a tax not exceeding twenty cents on the one hundred dollars, and annually thereafter levy a tax not exceeding twelve and one-half cents on the one hundred dollars, which shall constitute a Contingent Road Fund, and shall be at the disposal of the Board of Supervisors, and expended for general road purposes; *provided*, that five cents of said rate of said tax shall each year be appropriated by said Board for the maintenance of what is known as the Berryessa road.

SEC. 13. All assessments levied for road purposes shall be collected and appropriated to the payment of the expenses of the current year for road purposes, and any Supervisor or Supervisors allowing any claim in excess of said Road Fund, as estimated by the Board of Supervisors, or any Auditor auditing the same, shall be guilty of a misdemeanor, and punished accordingly; and any warrant so drawn in violation of this Act shall be void, and a sufficient cause for the removal from office of the person so offending, the vacancy to be filled as by law provided.

SEC. 14. It shall be the duty of the Board of Supervisors to create in the county as many road districts as the Board may deem advisable, defining the same as clearly as possible, and numbering the same from one upwards, and change the boundaries of said districts whenever the Board deem such change expedient. On the last Wednesday of February, in each year, there shall be elected in each road district, by the qualified electors thereof, a Roadmaster, whose term of office shall commence on the first Monday in March after his election, and shall continue one year, and until the election and qualification of his successor. Notice of such election shall be given by said Board at least fifteen days before such election, by publication in a newspaper printed and published in the county, and shall specify the place within each district where the polls shall be held, and the time of holding such election. Such elections shall be conducted in all respects, the returns thereof made and canvassed, and the result declared, in the same manner as provided by law for general elections; *provided*, that at elections provided for in this Act, it shall not be necessary to use copies of the Great Register; and the officers conducting such elections shall receive no compensation for their services; and the polls shall be opened at one o'clock p. m., and shall be kept open until sunset. No person shall be eligible to the office of Roadmaster who shall not be a qualified elector and taxpayer of the district; *provided*, that the City of Napa and the Town of St. Helena shall, for the purposes of this Act, constitute separate road districts, and no election for Roadmasters shall be held in said city and town under the provisions of this Act; and the county road tax provided for in section ten of this Act, which shall be collected upon property in the City of Napa and in the Town of St. Helena, shall be paid by the Tax Collector of Napa County to the respective Treasurers of said city and town on the first Monday in each month, and shall be placed in the treasuries of said city and town respectively; and the road poll tax provided for in said sections shall be collected in said city and town by their Marshal, and paid into the treasury of said city and town; and said Marshal shall have the same power of collection as is hereinafter conferred on Roadmasters. The Roadmasters shall, within ten days after their election, qualify, and give a bond, with two or more sureties, to be approved by the County Judge, in such sum as the Board may fix. The Board of Supervisors shall fill all vacancies that may occur in the office of Roadmaster.

Misdemeanor.

Board to create road districts.

Election of Roadmaster.

Elections; how conducted.

Roadmaster to be qualified elector, etc.

Power of Marshal.

Duty of  
Roadmaster.

SEC. 15. It shall be the duty of the Roadmaster to have the care and general supervision of the public roads in his district; to maintain them in as good repair as the means at his command will permit. Each person residing in any road district, who shall desire to pay his property road tax in labor on the roads for any year, must, within the month of January or February preceeding such year, give notice, in writing, to the Roadmaster of his desire and intention. The Roadmaster shall file said notice, and, at the expiration of his term, deliver all notices and other books and papers to his successor in office. Such notices shall only be given by persons owning real estate in such district, or persons leasing real estate therein for agricultural purposes. It shall be the duty of the Roadmaster to give to each person serving such notice upon him, at some time during the year, five days' notice of the time, place, and amount of work which he requires of such persons; *provided*, that the whole thereof shall not exceed the amount of taxes due from such person; *and provided further*, that the neglect of said Roadmaster to give such notice shall not exempt any person from the payment of such property road tax. Such notice given by the Roadmaster shall also specify what teams such person is expected to bring for the road service. Upon the completion of such road service to the satisfaction of the Roadmaster, he shall make out and deliver to such person a certificate for the labor performed, at the rate of two dollars per day for each man and one dollar per day for each span of horses or mules and wagon. A day's labor shall not be less than ten hours of actual labor, the time of going and returning not to be included as services performed on the highways. The Roadmaster may, without the consent of the Board of Supervisors, make contracts for the grading of roads or any other necessary work upon the highways within his district; *provided*, no such contract shall be made when the amount will probably exceed one hundred dollars; and ten days' notice shall be given by the Roadmaster prior to the letting of any such contract, by posting four notices of the letting of the same in the district, two of which shall be posted on the place where the said contract is to be performed; which notice shall specify the time and place of letting said contract, which place shall be within the district, with necessary specifications; and said contract shall be let to the lowest responsible bidder. Said Roadmaster may and shall have the right to reject any and all bids. All payments for the fulfillment of such or any contract shall be made by warrants drawn on the Road Fund of the district in which the contract was performed. In case of the construction or repairing of a bridge crossing a stream which is the boundary of two districts, the Roadmasters of such districts shall have and exercise a joint duty and authority over the erection or repair of said bridge, and the expense thereof shall be equally divided between said districts. The Roadmaster may, with the consent of the Board of Supervisors, make contracts for the purchase of lumber or other materials for building bridges or culverts, for grading roads, or any

Making of  
contracts.



other necessary work upon the highways within his district, in excess of one hundred dollars, after having first given fifteen days' notice of the proposed letting of such contract by publication in some newspaper published in the county. The notice shall set forth the work to be done or amount of material required, when and where proposals will be received and opened, and where specifications, if any, may be seen and examined, also stating what particulars must enter with the proposals, and the character and time of the payments proposed to be made. Upon the day set forth in the notice, all the proposals filed shall be opened by the Roadmaster of the district, and the proposals of the lowest responsible bidder shall be accepted, and the contract awarded to him; *provided*, that the Roadmaster may reject all bids. All payments for the fulfillment of any such contract shall be made by warrants drawn on the Road Fund of the district. It shall be the duty of the Roadmaster to collect in his district the road poll tax provided for in this Act, and, upon payment, to issue to the person paying it a receipt therefor. The Roadmaster shall retain, as his compensation for collection, ten per cent. of the amount of said tax so collected, and shall pay the amount collected into the county treasury at the time he makes his quarterly statement, as hereinafter mentioned, taking the Treasurer's receipt therefor in duplicate, one of which receipts he shall file with the County Auditor, who shall credit the same to the Roadmaster, and charge the amount to the Treasurer's account with the particular district fund. To enforce the collection of said poll tax, the Roadmaster shall seize so much of any and every species of personal property whatever, claimed or owned by any person liable to or refusing or neglecting to pay said road poll tax after demand of payment having been made, or property in possession of, or money due from any other person and belonging to such person refusing or neglecting to pay said tax, as will be sufficient to pay said tax and costs, such costs not to exceed three dollars; and shall and may sell the property so seized, at any time or place, upon giving a verbal notice of one hour previous to such sale; and any person indebted to another, liable to pay said tax, shall be subject to pay the same for such other person after service upon him, by the Roadmaster, of a notice, in writing, stating the name or names of the person so liable and owing such tax, and such debtor may deduct the amount thereof from such indebtedness. The Roadmaster, after having deducted the poll tax and costs from the proceeds of such sale herein provided, shall return the surplus, if any, to the owner. A delivery of the possession of the property sold by the Roadmaster to the purchaser at such sale shall be sufficient title in the purchaser without exacting a certificate of purchase thereof of the Roadmaster.

Percentage  
allowed on  
taxes col-  
lected.

Power of  
Roadmaster  
to enforce  
collection.

Sale of prop-  
erty seized

SEC. 16. Each Roadmaster shall prepare, quarterly, a statement, showing the amount due to each person for labor performed or materials furnished, the amount of road tax paid in labor and by whom, the names of persons who have

Roadmaster  
to prepare  
statement.

Roadmaster  
at end of  
term to  
account for  
tools, etc.

paid road poll tax and the amount collected, the amount due for contracts performed, as hereinbefore authorized, to whom and for what; also, a specific statement of his official acts, pertaining to his district, and the number of days' or parts of days' services by him actually and necessarily performed in the discharge of his official duties, during the time embraced in such statement, which statement shall be verified by his oath, and filed with the Clerk of the Board of Supervisors ten days before the regular quarterly meetings of said Board. He shall, at the end of the term of his office, account for and deliver to his successor in office all tools and implements of every kind and description belonging to his district, and take a receipt therefor, which receipt shall be filed with the Clerk of the Board of Supervisors, and he shall be allowed, in payment of his services as Roadmaster, a per diem of two dollars and fifty cents, and shall allow himself the same sums for his own teams as he may allow any other person or taxpayer for teams. The Board of Supervisors shall examine all claims against the several road districts, and, if found correct, shall allow and order the same paid by warrants on the funds of the district in which the claim was incurred. The Roadmaster shall be liable on his official bond for any failure on his part to faithfully discharge the duties of his office.

Duty of  
Assessor.

SEC. 17. In order to carry out the provisions of this Act, it is hereby made the duty of the County Assessor to assess all persons, and all property liable to be taxed, as follows:

*First*—He shall make a list of all persons liable to pay a road poll tax in the road district in which such person resides, which list he shall, when completed, file with the County Auditor.

*Second*—All property liable to taxation shall be assessed in the road district in which such property is situated, and the Assessor shall make out the assessment roll (using the form now prescribed by law), as follows: He shall commence it with "Road District Number One," which words he shall, in a plain and legible hand, place over the heading, and, proceeding alphabetically, shall list all property and persons in such district in the manner prescribed by law. After the completion of District Number One, he shall proceed in the same manner with "Road District Number Two," and so continue until the completion of the roll; by which assessment roll it shall be made to appear that all property and persons liable to be taxed in each road district are assessed in such district.

Duty of  
Auditor.

SEC. 18. It shall be the duty of the County Auditor, in computing the taxes on the assessment roll, to carry out in a separate column the amount of the road tax. He shall also procure suitable and uniform road poll tax receipts, which receipts he shall number and sign as such Auditor, and shall deliver, taking a receipt therefor, to each Roadmaster the number required by such Roadmaster, which shall be charged to such Roadmaster in a suitable book kept for such purpose; and each Roadmaster shall account to the Auditor for such receipts on the last day of such Roadmaster's official

term; and at the same time he shall report as delinquent the names of such persons in his district as have not paid their road poll tax to him, and file a delinquent road poll tax list; *provided*, that no person shall be returned as delinquent on such list unless a personal demand has been made, or notice, in writing, left at his residence. The Auditor shall add to each road poll tax so delinquent thirty-three and one-third per centum additional, and, without delay, deliver such list, with the per centum added, to the Tax Collector and charge the Collector therewith. If any person assessed for a property tax has not paid to the Roadmaster the road poll tax due from him or for which he is liable, it, with thirty-three and one-third per cent. in addition thereto, constitutes a lien upon the property assessed to such person, to attach from the first Monday in March in each year, and must be collected in the same manner and at the same time as delinquent taxes are collected.

SEC. 19. It shall be the duty of the Tax Collector to keep a separate account of the road tax of each road district by him collected, and in his settlements with the Treasurer he shall make a statement of the moneys belonging to each road district, and the Treasurer shall keep his books in such a manner as to show how much road tax has been received, how much paid out, and how much is on hand in each of the road districts; and the Treasurer shall pay all road moneys out upon warrants drawn upon the District Road Funds by order of the Board of Supervisors, and in no other manner. The Board of Supervisors shall cause to be printed, and distributed to the several Roadmasters, proper blank receipts for road tax paid in labor.

Duty of Tax Collector.

SEC. 20. Any person or persons, or body politic or corporate, who shall obstruct any public highway, either by placing an obstruction therein, or by digging or deepening the waters of any stream, or in any other manner, shall be liable to a prosecution before any Justice of the Peace in the county; and it shall be the duty of the Roadmaster of any district, wherein such obstruction exists, to prosecute for such offense on behalf of the county, and the person so obstructing shall, on conviction thereof, be punished by a fine of not less than ten or more than fifty dollars, to be collected as other fines; and he shall further be liable, at the suit of the Roadmaster of the district, in the sum of five dollars for each day that such obstruction is allowed to remain after being notified to remove or remedy the same.

Obstructions of highways.

SEC. 21. Any person or persons who shall willfully injure or destroy any bridge, or ride or drive over the same faster than a walk, or injure or destroy any other portion of a public highway in such manner as shall render the same dangerous, or impassable, or who shall cut down or injure any living tree, planted or preserved as a shade or ornamental tree, either in or upon the borders of any public road, shall be guilty of malicious mischief, and upon conviction thereof, before any Justice of the Peace, shall be punished by a fine of not more than one hundred hundred dollars, or impris-

Malicious mischief.

onment in the County Jail for not more than thirty days, or by both such fine and imprisonment, and it shall be the duty of the Roadmaster in any district to prosecute, in behalf of the county, any person so offending within his road district. All fines collected under the provisions of this Act shall be paid into the county treasury and become a part of the Road Fund of the district in which said offenses were committed.

SEC. 22. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 23. This Act shall take effect and be in force from and after its passage.

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CHAP. DCLXVI.—*An Act to amend an Act concerning roads and highways in the County of San Joaquin, approved March eighteenth, one thousand eight hundred and seventy-six.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Road poll  
tax.

SECTION 1. Section eleven of an Act entitled an Act concerning roads and highways in the County of San Joaquin, approved March eighteenth, one thousand eight hundred and seventy-six, is hereby amended to read as follows: Section eleven. Every male inhabitant of a road district, over twenty-one and under fifty years of age, must perform two days' labor annually, to be known as the road poll tax, upon the roads and highways of the district, under the demand and direction of the Road Overseer thereof, or pay such Overseer a commutation fee of two dollars.

SEC. 2. This Act shall go into effect immediately.

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CHAP. DCLXVII.—*An Act to amend an Act entitled an Act to provide for the purchase of a site, and the erection of a Court-house and Jail thereon, in the County of Monterey, approved January twenty-second, A. D. eighteen hundred and seventy-eight.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Advertise-  
ment for  
proposals  
to construct  
Court-house.

SECTION 1. Section three of said Act is amended to read as follows: Section three. The said Board of Supervisors, after they shall have adopted plans and specifications for said Court-house and Jail, shall deposit the same with the Clerk of said Board for the inspection of builders, and shall

cause to be published, for at least thirty days, in two newspapers, one published in Monterey County and one published in the City and County of San Francisco, an advertisement inviting sealed proposals for the erection and construction of said Court-house and Jail, and requiring said bids to be accompanied by a certified check in favor of Monterey County, payable to the order of the Chairman of the Board of Supervisors, for five per cent. of the amount of the respective bids, as security that the person or persons so bidding will, if said contract is awarded to him or them at the price so bid, within twenty days after said contract shall be so awarded, enter into a written contract with said county for the construction of said building, and will, at the same time, secure the performance of said contract by a good and sufficient bond, in the sum of twenty thousand dollars, with two or more sureties, to be approved by said Board of Supervisors.

SEC. 2. Section eight of said Act is hereby amended to read as follows: Section eight. For the purpose of providing means for the erection and construction of said Court-house and Jail, furnishing the same, grading and otherwise improving said site, etc., the Board of Supervisors of Monterey County are hereby authorized and directed to have prepared, and to issue at one time, or from time to time, the bonds of said county, to be known as "Court-house and Jail Bonds," to such an amount, not exceeding in the aggregate the sum of sixty thousand dollars, as said Supervisors may deem necessary and proper, pledging the faith of said county that on or before the first day of January, A. D. one thousand nine hundred and three, it will pay, in gold coin of the United States, at the office of its Treasurer in said county, a sum of money to be therein stated, which shall be one hundred dollars or some multiple thereof, and that it will, also, on the first day of January and July of each year, at said office, or in the City of San Francisco, at the option of the holder or holders, pay interest therein, in like gold coin, at the rate of seven per cent. per annum, upon the delivery to said Treasurer, or his appointed agent in San Francisco, of the coupon for the interest then due, and each of said bonds shall contain a clause reserving to the county the right to pay said bond, at its option, at any time after the expiration of twenty years from its date, and that the interest thereon shall cease after the expiration of sixty days from the publication of a notice in a newspaper published in Salinas City, and one in the City of San Francisco, that the county is prepared to and will pay the bond; *provided*, that such notice shall not be given until after the expiration of said twenty years.

Issuance of bonds.

SEC. 3. Section twelve of said Act is hereby amended to read as follows: Section twelve. At the time of the making of the levy for county taxes, the said Board of Supervisors shall annually levy a special tax sufficient to pay the interest that will be due the following January and July on the then outstanding bonds issued under this Act; and in the year eighteen hundred and ninety-eight, and annually thereafter

Bond interest tax.

until all of said bonds are paid, they shall, in addition to said tax for said interest, levy a further tax, which, after allowing for delinquencies, etc., will provide each year a sum equal to one-fifth of the principal sum of the whole of the bonds issued under this Act, which said taxes shall be levied and collected in the manner provided by the general revenue laws of the State for levying and collecting of other county taxes, and when so collected the same shall be set apart by the County Treasurer in a fund to be known as the "Court-house and Jail Bond Fund."

Redemption  
of bonds.

SEC. 4. Section fourteen of said Act is hereby amended to read as follows: Section fourteen. Whenever, in any year, after January first, one thousand eight hundred and ninety-eight, there shall in in said "Court-house and Jail Bond Fund" a surplus of one thousand dollars or more, in addition to a sum sufficient to pay the interest due the following July and January, the Treasurer of said county shall publish a notice, once a week for four successive weeks, in some newspaper published in the county, and also in one newspaper published in the City and County of San Francisco, which notice shall state that he is prepared to redeem, on a day to be stated therein, bonds to the amount of said surplus in his hands, and that until such day, at twelve o'clock M., he will receive at his office sealed proposals for the surrender of bonds issued under this Act; on said day and at said hour he shall, in the presence of the County Clerk and others there present, proceed, and open said bids, and shall redeem such bonds as may be offered at the lowest bid, but no bid above par and accrued interest shall be accepted. If no bid be put in at par or less, or if a sufficient amount of the bonds be not offered to absorb the said surplus in hand, then bonds to the amount of said surplus still on hand shall become due and payable in the order in which they were numbered, commencing at the number one; and said Treasurer shall give notice, in like manner as above provided, that such bonds, giving dates, numbers, and amount, have become due, and will be paid on presentation, and the [interest] thereon shall cease from and after sixty days from the first publication of such notice.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

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CHAP. DCLXVIII.—[See volume of *Amendments to the Codes.*]

CHAP. DCLXIX.—*An Act making appropriations for deficiencies for the twenty-eighth and twenty-ninth fiscal years, ending June thirtieth, eighteen hundred and seventy-eight.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The following amounts of money are hereby appropriated, out of any money in the State treasury not otherwise appropriated, for the purposes herein named: For deficiency in appropriation for transportation of prisoners in the twenty-eighth fiscal year, fifty-one and thirty one-hundredths dollars; for deficiency in appropriation for costs and expenses of suits where the State is party in interest, in the twenty-eighth fiscal year, twelve and fifteen one-hundredths dollars; for deficiency in appropriation for payment of rewards for arrest of highway robbers, in the twenty-ninth fiscal year, three thousand dollars; for deficiency in appropriation for arresting criminals without the limits of the State, in the twenty-ninth fiscal year, three thousand dollars.

Appropriations authorized.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DCLXX.—*An Act to provide for the drainage of certain lands in the Counties of Colusa and Yolo.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION. 1. All that certain territory, situated in the Counties of Colusa and Yolo, and described as follows, to wit: Beginning at a point in Colusa County on the right bank of the Sacramento River at its intersection with the line between townships thirteen (13) and fourteen (14) north, range one (1) east, Monte Diablo base and meridian; and running thence west to the westerly line of the Jimeno Rancho; thence northerly along the westerly line of said rancho to the northeast corner of the southeast quarter of the northwest quarter of section nine (9), in township fifteen (15) north, range one (1) west; thence westerly following the line of the State segregation between the swamp and overflowed lands and the high lands, or where there is no such line following the United States segregation line between said lands, to the northwest corner of the southwest quarter of the northeast quarter of section two (2), in township fifteen (15) north, range two (2) west; thence south to the southeast corner of the northeast quarter of the northwest quarter of section eleven (11) same township; thence southerly following said segregation lines to the southwest corner of the

Drainage district created; boundaries described.

northwest quarter of section seventeen (17), township eleven (11) north, range two (2) east; thence east one mile; thence south one-quarter mile; thence east one and one-quarter miles; thence south one-quarter mile; thence east to the center of the main track of the California Pacific Railroad; thence northerly along the center of said track to the right bank of the Sacramento River; thence up the right bank of said river to the place of beginning, is hereby created a drainage district, to be called "The Colusa and Yolo Drainage District," for the purpose of draining the lands of said district, by the construction of a suitable canal or canals to carry off the waters therefrom.

Governor to  
appoint  
Commission-  
ers; powers  
and duties of.

SEC. 2. The Governor shall appoint three competent persons as Commissioners for said district, who shall hold office for four years, and until their successors are elected and qualified, as herein provided. They shall each, immediately after their appointment, take and subscribe the official oath, and file the same in the office of the Secretary of State. Within thirty days after the passage of this Act, said Commissioners shall meet at the Town of Colusa, and organize a Board by the election of a President from their number, which Board shall be called "The Board of Commissioners of the Colusa and Yolo Drainage District," and under that name shall have perpetual succession, may sue and be sued in all Courts and places, and in any proceedings whatsoever, shall have and use a common seal, and may acquire and hold real and personal property for the uses and purposes mentioned in this Act. Said Board shall have the management of the business of the district, and shall have power to construct, alter, and keep in repair the works mentioned in section one of this Act, and for that purpose to appoint attorneys, agents, and servants, and provide for their compensation, and generally to do and perform all acts necessary to carry out the powers hereby conferred. Said Board shall appoint a Secretary and a Treasurer, neither of whom shall be of their number, and shall keep a record of their proceedings. The office of the Board shall be in the Town of Colusa.

Election to  
be held; how  
conducted.

SEC. 3. On the first Saturday in May, in the year eighteen hundred and eighty-two, and on the first Saturday in May in every second year thereafter, an election shall be held for the purpose of electing three Commissioners for said district. The Board of Commissioners shall give notice of such election, by publication for not less than two weeks in at least one newspaper published in each of the counties hereinbefore named, which notice shall state the names of the Inspector and Judges of Election, and the first publication thereof shall be made on a day not less than twenty-one nor more than thirty days prior to the day of such election. The polling place at such election shall be at the place called Grangeville or Grimes' Landing, in Colusa County, and the polls shall be opened at the hour of eight A. M., and closed at the hour of six P. M. At such election each person owning land in said district, assessed upon the assessment lists, shall have one vote. The Board of Election shall keep a



list of the persons voting, and shall, immediately after such election, transmit such list, with a certificate of the number of ballots cast for each candidate to the Board of Commissioners. On the Tuesday immediately succeeding such election the Board shall meet and canvass the votes, and the three persons receiving the highest number of votes shall be declared elected. Any person not entitled to vote at such election, who shall willfully vote or attempt to vote thereat, and any person who shall willfully vote or attempt to vote more than once at such election, or who shall willfully and fraudulently make or accept any transfer of property for the purpose of enabling him or any other person to vote thereat, is guilty of felony. The persons chosen at such election shall hold office for two years from the second Monday after their election. Any vacancy in the office of Commissioner shall be filled by an election as above provided; but the Governor shall, in such case, appoint some person to fill such vacancy until such election can be had.

Board to keep list of voters.

SEC. 4. As soon as practicable after their organization, said Board shall appoint one or more competent engineers to examine, survey, plan, and locate the works mentioned in section one of this Act, and to make estimates of the cost thereof. Said engineers shall, from time to time, as may be required by the Board, return to the Board field notes and maps of such surveys, and plans, specifications, and estimates for such works. No plans for such works shall be adopted, except by the unanimous vote of all the members of the Board. Upon the adoption of plans, the Board shall publish, for not less than two weeks, in at least one newspaper published in each of the counties hereinbefore named, a notice stating that plans have been adopted, and that the Board will meet on a day to be named in the notice, not less than twenty-one nor more than thirty days from the first publication thereof, to determine whether such works shall be commenced and prosecuted. At such meeting the Board shall hear the statements of all parties interested, and may adjourn such hearing from time to time; but no works shall be commenced unless the Board, by a unanimous vote of the members thereof, shall determine to commence the same. If the Board shall determine not to commence such works, then, and in that event, no further proceedings shall be had under this Act, except as provided in the next section.

Board to appoint engineers; plans for work.

SEC. 5. In case the Board shall determine not to enter upon the construction of such works, then said Board shall levy upon the lands within said district, and cause to be collected, an assessment sufficient to defray the expenses theretofore incurred, including the cost of assessing and collecting such assessment. Such assessment shall be levied, assessed, and collected in such manner as the Board may direct, and shall constitute a lien upon such lands from and after the date of such levy.

Assessment to defray expenses

SEC. 6. If the Board shall, by a unanimous vote, determine upon the commencement and prosecution of such works, they shall thereupon appoint three competent and disinterested persons, who shall not be residents or land

Board to appoint Commissioners of Assessment.

Commissioners to view lands.

Objections to assessment.

owners within the district, nor interested, directly or indirectly, in any lands therein, to act as Commissioners of Assessment for said district. Such appointment shall be made only by the unanimous vote of all the members of the Board, and shall not take effect until approved by the Board of Supervisors of the County of Colusa. Said Commissioners of Assessment shall each take and subscribe the official oath, and file the same in the office of the Secretary of State. They shall then proceed to view the lands within the district, and ascertain and determine which of such lands will be benefited by the construction of such works, and shall ascertain and determine the value of the benefits to accrue thereby to each parcel of real estate so benefited. They shall make a separate list of lands for each of said counties, embracing in each list all of such lands to be benefited as may be embraced within the boundaries of such county. Said lists shall contain a description, sufficient for identification, of each parcel of real estate to be benefited, the name of the owner thereof, if known, otherwise the words "unknown owners," and the value of the benefits to accrue thereto. A description of such real estate by Federal subdivisions, boundaries, metes and bounds, numbers of swamp land surveys, numbers of lots, blocks, and fractions, or other intelligible description, shall be deemed sufficient for identification within the meaning of this Act. Upon the completion of said lists, said Commissioners of Assessment shall publish in at least one newspaper published in each of the counties hereinbefore named, for not less than two weeks, a notice stating that said lists have been prepared, and that the said Commissioners of Assessment will sit for at least three days at the county seat of each of said counties, for the purpose of hearing and determining any objections that may be made to such assessment. The times at which such sittings will be had shall be stated in the notice, the first of such sittings to be not less than twenty-one nor more than thirty days from the first publication of the notice. During such sittings any person interested may appear in person, or by his agent or attorney, and state his objections to the assessment, or to any part thereof. The Commissioners of Assessment may examine witnesses concerning such matters, and for that purpose they may issue subpoenas, and either Commissioner of Assessment may administer oaths; and upon such hearing any assessment found to be erroneous shall be corrected. When said lists are finally corrected, the Commissioners of Assessment shall certify the same, and file them in the office of the Board of Commissioners of the district, and shall also transmit certified copies of each list to the Auditors of the respective counties for which said lists are made. They shall also appeal to each list and certified copy thereof a certificate, showing the total area, in acres, of the lands to be benefited in said district, as determined by them in such assessment. The Board of Commissioners shall fill any vacancy occurring in the office of Commissioner of Assessment, in the manner in which the original appointment is made, and it shall

not be necessary for such new appointee to perform any work already done by his predecessor, but simply to continue the same to completion. Upon the filing of the lists herein provided for, the duties and offices of said Commissioners of Assessment shall cease and determine. The compensation of said Commissioners of Assessment shall be fixed by the Board of Commissioners of the district.

SEC. 7. The Board of Commissioners of said district are hereby authorized and empowered, from time to time, after the return of such assessment lists, to issue their bonds for the sum of one thousand dollars each, and not exceeding in the aggregate an amount equal to five (5) dollars per acre on the total amount of lands to be benefited in said district, as determined by the Commissioners of Assessment and stated in their certificate attached to the assessment lists; *provided*, that the Board of Commissioners may, after the adoption of plans and the determination to proceed with such works, and before the return of the assessment lists, issue an amount of said bonds, not exceeding the sum of one hundred thousand (100,000) dollars. No bonds shall be issued under the provisions of this Act, except by the unanimous vote of all of the members of the Board of Commissioners. Each of said bonds shall bear the same date, though issued at different times; shall be signed by all the members of the Board and countersigned by the Secretary, and the seal of the Board shall be affixed thereto. The bonds shall be numbered consecutively in the order of their issue, and shall express on their face that they are issued by authority of this Act, stating its title and date of approval. Each of said bonds shall be made payable twenty years after date, with interest at the rate of seven (7) per cent. per annum, payable semi-annually, on the first days of April and October; and both the principal and interest thereof shall be payable only in the gold coin of the United States of the present standard of weight and fineness, at the office of the Treasurer of the district. Coupons for the interest shall be attached to each bond. Said bonds may be sold from time to time, as required, at a rate not less than par, all coupons due or part due at the time of sale being removed and canceled. The Secretary shall keep a record of all bonds sold, their number, the date of sale, the price received, and the name of the purchaser. The proceeds of the sale of bonds shall be paid by the purchasers into the treasury of the district, and shall there be kept as a special fund, to be called the "Colusa and Yolo Drainage District Construction Fund," to be paid out as herein required. Each bond, on being sold, shall be countersigned and registered by the Auditor of the County of Colusa. Nothing in this Act contained shall be so construed as to render the State of California, or any county thereof, liable for any portion of the principal or interest of such bonds, or for any damage or injury that may result from the construction of any works or the performance of any act hereby authorized.

Commissioners to issue bonds.

Bonds to bear same date.

Secretary to keep record.

SEC. 8. Within five days after the first Monday in Sep-

Assessment  
to raise  
annual  
interest.

Board to  
increase  
assessment  
after ten  
years

Amounts  
assessed to  
constitute  
liens.

tember in each year, the Board of Commissioners shall meet and levy an assessment upon the lands included in the assessment lists sufficient to raise the amount of the annual interest on the outstanding bonds, and on the probable amount of bonds to be sold thereafter on which interest will accrue during the ensuing year. The rate of such levy shall be ascertained by adding ten (10) per cent. to the amount to be raised, to allow for anticipated delinquencies, and dividing such amount by the total value of benefits stated on said lists; the quotient expressed in cents on each one hundred dollars of such valuation is the rate to be levied; *provided*, that if in such calculation a fraction of a cent shall occur a full cent on each one hundred dollars of such valuation shall be added instead of such fraction. At the expiration of ten years from the date of the bonds, the Board must increase the assessment to be levied for the ensuing ten years in the following percentage of the principal of the whole amount of bonds issued, to wit: For the eleventh year, five per cent.; for the twelfth year, six per cent.; for the thirteenth year, seven per cent.; for the fourteenth year, eight per cent.; for the fifteenth year, nine per cent.; for the sixteenth year, ten per cent.; for the seventeenth year, eleven per cent.; for the eighteenth year, thirteen per cent.; for the nineteenth year, fifteen per cent.; and for the twentieth year, a percentage sufficient to pay off said bonds. Upon the making of such levy in any year, the Board shall transmit to the Auditor of each of said counties a certificate of the rate so levied. Upon his receipt of such certificate, each of said Auditors shall compute, in dollars and cents, rejecting fractions of a cent, the amount of the assessment so levied upon each parcel of land described in the assessment list prepared for such county, and shall enter upon said list, in a separate money column, and opposite the description of such parcel of land, the amount so computed. Such amounts shall be collected by the Tax Collector of such county, at the same time and in the same manner as State and county taxes are collected; and all the provisions of Chapters Seven, Ten, and Eleven, of Title Nine, of Part Three, of the Political Code, so far as they can be made applicable, shall apply to such collection; *provided*, that no commission or percentage shall be allowed out of such moneys to any officer for any purpose. The moneys so collected shall be paid into the treasury of the district, and the Treasurer shall keep the same in a special fund, to be called "The Colusa and Yolo Drainage District Bond Fund," to be paid out only as herein provided.

Sec. 9. The amounts assessed under the provisions of section eight of this Act shall severally constitute liens upon the respective parcels of real estate upon which the same are assessed, from and after the date of the annual levy by the Board; which liens shall not be removed nor satisfied until such assessments are paid, or such property sold therefor. The owner of any parcel of land may, however, redeem his land from the lien of all future assessments, at any time, by paying to the Tax Collector of the county in which such lands are situated an amount, to be ascertained by multiply-

ing the amount for which bonds are hereby authorized to be issued by the amount of the value of benefits assessed against said parcel of land, and dividing the product so obtained by the total amount of the value of benefits assessed in said district; the amount so obtained is the amount to be paid.

Upon such payment, the Tax Collector shall give to such person a certificate in duplicate, showing the amount paid, the date of payment, and the description of the land on which such full payment has been made, one copy of which shall be filed by the person making such payment with the Board of Commissioners of the district, and such person shall cause the other copy to be recorded by the Recorder of the county in which such lands are situated, in the books in which liens are recorded; and thereafter such lands shall not be liable to any future assessment under the provisions of this Act. If such payment be made before the sale of all of the bonds authorized by this Act to be sold, such moneys shall be paid into the Construction Fund, in like manner as moneys received from the sale of bonds, and the amount thereof shall be deducted from the amount of bonds authorized by this Act to be issued; but if such payment be made after the issue and sale of all of such bonds, such money shall be paid into the bond fund.

Tax Collector to give certificate.

SEC. 10. On the first days of April and October in each year, the Treasurer shall pay the interest on such bonds on the presentation of the coupons therefor. All payments of principal and interest on such bonds shall be made only out of such bond fund. Whenever the amount in said bond fund, exclusive of the amount necessary to pay one year's interest on the outstanding bonds, shall amount to ten thousand dollars, the Board shall direct the Treasurer to pay such an amount of said bonds as the money in said fund will redeem at the lowest price at which they may be offered for liquidation. Before making such direction, the Board shall advertise for three weeks, in at least one daily newspaper published in each of the Cities of San Francisco and Sacramento, for sealed proposals for the redemption of said bonds. Such proposals shall be opened by the Board at a time to be named in the notice, and the lowest bid for such bonds shall be accepted; but no bond shall be redeemed at a rate above par and accrued interest. In case the bids are equal, the bonds bearing the lowest numbers shall have the preference. In case no proposals are received at a rate not above par and accrued interest, the Board of Commissioners shall direct the Treasurer to redeem such amount of said bonds, in the order of their numbers, beginning with the lowest number. The Treasurer shall then advertise that fact for three weeks, in at least one daily newspaper published in each of the Cities of San Francisco and Sacramento, stating in the notice the number of the bonds to be redeemed, and that, at the expiration of sixty days from the first publication of such notice, all interest on such bonds will cease. At the maturity of said bonds, all interest thereon shall cease, if there be sufficient money in said bond fund for their redemption; and the Treasurer shall then advertise

Treasurer to pay interest and redeem bonds.

Proposals for redemption of bonds.

that fact for not less than two weeks, in at least one daily newspaper published in each of the Cities of San Francisco and Sacramento, and shall redeem such bonds upon presentation. The moneys in said bond fund shall not be used for any purpose other than the payment of the principal and interest of said bonds, until the whole thereof have been redeemed.

Board to acquire right of way.

SEC. 11. After the Board of Commissioners shall have adopted plans and determined to commence and prosecute the works herein authorized, said Board shall proceed to acquire all lands and rights of way that may be required for such works, either by gift, purchase, or condemnation, and for that purpose may institute and carry on proceedings under the provisions of Title Seven, of Part Three, of the Code of Civil Procedure. There is hereby granted, dedicated, and set apart, for the purposes herein mentioned, the right of way over all lands belonging or that may belong to the State, and the right to divert into said canal or canals any water flowing over or upon any lands in said district. The Board of Commissioners shall have power to construct the said works across any stream of water, water-course, bay, lake, street, avenue, highway, railway, canal, ditch, flume, dam, or levee, which the route of said canals may intersect or cross, in such manner as to afford security for life and property; but said Commissioners shall restore the same, as near as may be, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness; *provided*, that said Board of Commissioners shall not be required, as a condition to crossing any road, to construct any bridge, unless such road is usually passable for travel throughout the winter season, nor unless the Court or jury shall find that such bridge will be of sufficient public importance to warrant the expense of the construction of the same. In constructing said canals and condemning lands or rights of way therefor, said Board shall not be confined within the boundaries of said district, but may construct such canals, or condemn such lands, as well without as within said boundaries.

Right of way not confined to boundaries.

Publication for proposals to construct sections of work.

SEC. 12. After acquiring necessary rights of way, the Board shall, from time to time, give notice, by publication for not less than three weeks in at least one newspaper published in each of said counties, and in the City of San Francisco, inviting sealed proposals for the construction of one or more sections of such work, including the furnishing of any material required therefor; for which purpose the Board of Commissioners shall divide the work into a suitable number of sections. The notices shall state the time at which proposals will be opened, the time at which each section must be commenced, and the time within which the same must be completed. The Board may also require a certified check or certificate of deposit, payable to their order, for such sum as they may direct, to accompany each bid as a guarantee of good faith, the same to be forfeited to the district in case the bidder fails to enter into any contract awarded to him. The Board may reject all bids and readvertise; but no contract shall, in any event, be awarded to any but the lowest bidder.

Board may readvertise.

In case no bids are received, or in case all of the bids received are, in the opinion of the Board, unreasonable or excessive, the Board may, in its discretion, cause such work to be done under its direction, in such manner as it may deem proper. The Board may also cause any urgent repairs to be made in any of the works without advertising for proposals.

SEC. 13. All claims under contracts, or for salaries, wages, or other expenses, shall be paid only out of the Construction Fund. Neither said Board of Commissioners nor any other officer of said district shall have power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the amount of bonds hereby authorized to be issued; and any debt or liability in excess of said amount shall be and remain absolutely void.

Claims; how paid.

SEC. 14. All meetings of the Board of Commissioners, for the purpose of adopting plans, determining upon the commencement of work, canvassing election returns, appointing Commissioners of Assessment, levying assessments, opening proposals, awarding contracts, or approving work done under contract, shall be open and public. The records of the Board, and of every officer of said district, and all the plans, maps, and other papers thereof, shall, at all times during reasonable office hours, be open to inspection by any person. On the first Monday in April, in the year eighteen hundred and seventy-nine, and annually thereafter, said Board shall make and file with the Board of Supervisors of the County of Colusa a full and detailed account and report of all proceedings had under this Act since the date of the next preceding report, and shall transmit duplicates of such report to the Clerk of the Board of Supervisors of the County of Yolo, and to the State Surveyor-General.

All proceedings to be public.

Board to make report.

SEC. 15. Each member of the Board of Commissioners shall receive compensation at the rate of one hundred and fifty dollars per month while actually engaged on the business of the district, as also his actual and necessary expenses incurred while traveling on such business. The Treasurer shall receive a salary of fifty dollars per month. The Board shall fix the compensation of the Secretary, not exceeding one hundred dollars per month. Each member of the Board of Commissioners, and each Treasurer and Secretary, shall, before entering upon the duties of his office, file in the office of the Secretary of State a bond, with sureties, to be approved by the Attorney-General, for the amount herein specified, payable to the people of the State of California, and conditioned for the faithful performance of the duties of his office; which bond may be sued upon by any person injured. The bond of each member of the Board of Commissioners shall be in the penal sum of twenty thousand dollars. The Board shall fix the amounts of the bonds of the Treasurer and Secretary.

Compensation of Commissioners and other officers.

Bonds to be filed.

SEC. 16. Any Commissioner, Treasurer, Secretary, Commissioner of Assessment, engineer, officer, or employé of said district, who shall, in any manner, either directly or indirectly, be interested in any contract awarded, or to be awarded, or in the profits to be derived therefrom, or who

Officers acting or voting corruptly; penalty for.

shall, willfully or corruptly, accept or receive any consideration, valuable or otherwise, to influence him in any official act or vote, or who shall willfully or corruptly, make any false report, record, certificate, or estimate, shall be deemed guilty of a felony, and shall be punished by imprisonment in the State Prison for a period of not less than one year nor more than five years, and such conviction shall work a forfeiture of his office. The provisions of sections twenty-six and one hundred and seventy-six of the Penal Code are hereby made applicable to the persons mentioned in this section.

Copies to be  
printed.

SEC. 17. Immediately after the passage of this Act, the Secretary of State shall cause to be printed two hundred copies thereof, and shall deliver to the Governor and Surveyor-General, and to the Auditors and Tax Collectors of each of the counties herein mentioned, ten copies each, and the balance of such copies to the Board of Commissioners, upon their appointment and qualification.

SEC. 18. This Act shall take effect immediately.

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CHAP. DCLXXI.—[See volume of *Amendments to the Codes*.]

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CHAP. DCLXXII.—*An Act for the funding of the bonded indebtedness of the County of El Dorado.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Issuance of  
bonds.

SECTION 1. The Board of Auditors of the County of El Dorado is hereby authorized and empowered to refund the bonded indebtedness of said county, and to issue new bonds therefor. The said Board shall cause to be prepared bonds of the County of El Dorado, in the sum of five hundred dollars each, and payable, both principal and interest, in gold coin. Said bonds shall bear interest at the rate of three per cent. from and after the first day of July, eighteen hundred and eighty-four, and the principal thereof shall be made payable on a day certain, to be specified in said bonds, which shall not be less than ten, nor more than twenty years from their date, as the Board of Auditors may, by an order entered upon their journal, direct. The interest shall become due and payable upon said bonds annually on the first day of July, to be specified in coupons attached to said bonds. Said bonds and coupons shall be signed by the Board of Auditors, and the bonds shall be countersigned by the County Clerk of said county, in the presence of a majority of said



Board. And it shall be the duty of said Board of Auditors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by said Clerk, and upon the countersigning of said bonds said Board of Auditors shall cause the seal of said county to be affixed to each bond.

SEC. 2. Said bonds shall be issued in redemption of, and in exchange for, the outstanding bonds and coupons of the County of El Dorado, and shall be delivered by the said Board of Auditors to the holders of any of said bonds or coupons, dollar for dollar, upon the surrender thereof. And the faith and credit of the County of El Dorado are pledged for the payment of the principal and interest of any bonds issued under this Act.

Bonds issued  
in exchange  
of outstand-  
ing bonds.

SEC. 3. The County Clerk, County Treasurer, and District Attorney, of said county, and their successors in office, shall constitute a Board of Commissioners, to be styled "Bond Commissioners of El Dorado County." All moneys collected under the tax designated in this Act shall be set apart and placed in a fund to be known as the "Bond Redemption Fund" of the County of El Dorado. Whenever at any time there shall be in said Bond Redemption Fund a sum of money amounting to two thousand dollars or upwards, the said Bond Commissioners shall advertise in the public newspaper published in said county, in which the county advertising is done, and one newspaper published in the City and County of San Francisco, for the space of four weeks, for sealed proposals for the redemption of any bonds of said county, and ten days from the expiration of the time for such publication said Commissioners shall open said proposals, and shall pay and liquidate, as far as the Bond Redemption Fund then in hand shall extend, such bonds, presented under said proposals, as shall have the lowest value proposed at which they may be redeemed and liquidated; *provided*, that the same shall not be more than the par value thereof; *and provided*, that should there be no proposals made for less than par value, the payment of said Bond Redemption Fund on hand shall be made on said bonds according to the number of the same; *and provided*, that the Bond Commissioners are authorized, empowered, and directed to set apart, out of said Bond Redemption Fund, each year, sufficient money to pay all interest coupons that will become due during the year, and the Treasurer of said county shall pay said coupons, when due, out of said fund; *and provided further*, that no bid or proposal for redemption made prior to the first day of July, eighteen hundred and eighty-four, shall be accepted for more than fifty cents upon the dollar of the face value of said bonds, exclusive of coupons. No coupons detached from bonds, issued under this Act, shall be redeemed, except when detached by the Board of Commissioners. All unaccepted bids, and the accompanying bonds, shall be returned to the owner. The Board of Commissioners shall cause to be written across the face of each bond and interest coupon as may be paid, sur-

Bond Com-  
missioners.

Redemption  
of bonds.

rendered, and redeemed, the rate at which the same was redeemed, and the amount to be paid, which shall be signed by each member of the Board. The Treasurer of said county shall pay the amount written and specified on the face of such bonds, from the said "Bond Redemption Fund" of said county, and shall mark or stamp the same as paid, giving the date of payment.

Cancellation.

SEC. 4. Whenever any bonds now outstanding shall have been surrendered and exchanged, under this Act, the Board of Auditors shall mark the same "canceled," over their signatures, and shall immediately deliver the same to the County Clerk, taking his receipt therefor, and the said Clerk shall file said canceled bonds in his office. All bonds redeemed under this Act shall be filed in the Clerk's office, and the Commissioners shall take the Clerk's receipt therefor.

SEC. 5. Bonds shall not be issued under this Act after the first day of October, A. D. eighteen hundred and seventy-eight, or prior to the first day of July, eighteen hundred and seventy-eight.

Legislature to levy redemption tax.

SEC. 6. For the redemption of the bonds and payment of the coupons issued under this Act, the Legislature of said State shall, at the first session thereof after the issuance of the bonds herein provided for, and every session thereafter, until all of said bonds and coupons are redeemed, levy an annual tax of fifty cents on each one hundred dollars of the taxable property in said county, which tax so levied shall be collected by the officers of said county, and paid into the "Bond Redemption Fund." The Legislature shall never, at any time, levy, or authorize to be levied, for the redemption of the bonds issued under this Act, any greater or less tax than fifty cents on the one hundred dollars of taxable property; *provided*, that should said tax not be levied for any one year, then the whole of said bonds shall become due and payable, and the holders of said bonds may enforce the payment of the same.

Duty of Board of Auditors.

SEC. 7. It shall be the duty of the Board of Auditors of the County of El Dorado, at an election to be held in said county on the nineteenth day of June, A. D. eighteen hundred and seventy-eight, to submit to the qualified electors of said county the proposition for the issuance of bonds under this Act.

Notice of submission to be published.

SEC. 8. It shall be the duty of said Board of Auditors to cause a notice of the submission of said proposition to the electors of said county to be published at least fifteen days prior to said election, in some newspaper published in said county. Said notice shall state the proposition to be submitted to said electors, and the time and manner of voting thereon. Said Board of Auditors shall also cause ballots to be prepared and circulated at the several precincts in said county prior to said election, with the words "refund the debt" printed thereon. Every ballot in favor of said proposition and the issuance of bonds under this Act shall have the word "yes" written or printed thereon, and every ballot against said proposition and the issuance of bonds shall have the word "no" written or printed thereon. At said

Style of ballots.

election a separate ballot-box shall be provided at each polling place, in which all ballots voted or cast under this Act shall be deposited, and no other ballots shall be deposited therein.

SEC. 9. It shall be the duty of the officers of said election, at each and all the precincts in said county, to make a correct count of all the votes cast on said proposition, and make proper return, as provided by law for other elections; the returns so made shall be separate from any other votes cast on said day. It shall be the duty of said Board of Auditors to meet on the first day of July, eighteen hundred and seventy-eight, to count and canvass said votes and declare the result. All the proceedings of said Board of Auditors shall be entered in the book of minutes of said Board.

Duty of election officers.

Canvassing of returns.

SEC. 10. If, at said election, a majority of the electors of said county, voting upon said proposition, shall vote "yes," then, in that event, the said Board of Auditors shall proceed to issue bonds under this Act; but, should a majority of the electors of said county, voting upon said proposition, vote "no," then said Board of Auditors shall not issue any bonds under this Act.

Action to be taken on result of election.

SEC. 11. The said Board of Auditors, and all other officers herein mentioned, shall be liable, on their official bonds, for the faithful performance of all the duties required of them under the provisions of this Act, and shall, in all things required of them, be subject to all the liabilities and penalties to which they are subjected in the performance of the duties of their respective offices; and said Auditors and other officers shall receive no other fees or compensation for the services required of them, under the provisions of this Act, than such as are allowed by law for the performance of the duties of their respective offices.

Officers liable on bond.

SEC. 12. Nothing in this Act shall be construed to repeal an Act entitled an Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County, approved February thirteenth, eighteen hundred and seventy-eight.

SEC. 13. Nothing in this Act shall be construed or held to legalize in any manner, or make more binding and obligatory upon the County of El Dorado any bond or bonds issued under an Act entitled "An Act to authorize the Board of Supervisors of the County of El Dorado to subscribe two hundred thousand dollars to the capital stock of the Placerville and Sacramento Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved March twenty-eight, eighteen hundred and sixty-three. Nor shall this Act be construed to give any right of action against said county, or to give any remedy, or continue in force any remedy, or to prevent the statute of limitations from running as to any bond or bonds, or coupon or coupons, issued under the said Act of March twenty-eighth, eighteen hundred and sixty-three.

Act shall not be construed to affect what.

SEC. 14. This Act shall take effect from and after its passage.

CHAP. DCLXXIII.—*An Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons.*

[Approved April 1, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Disintering  
of bodies  
unlawful  
without  
permit.

SECTION 1. It shall be unlawful to disinter or exhume from a grave, vault, or other burial place, the body or remains of any deceased person, unless the person or persons so doing shall first obtain, from the Board of Health, Health Officer, Mayor, or other head of the municipal government of the city, town, or city and county where the same are deposited, a permit for said purpose. Nor shall such body or remains disinterred, exhumed, or taken from any grave, vault, or other place of burial or deposit, be removed or transported in or through the streets or highways of any city, town, or city and county, unless the person or persons removing or transporting such body or remains shall first obtain, from the Board of Health or Health Officer (if such Board or officer there be), and from the Mayor or other head of the municipal government of the city or town, or city and county, a permit, in writing, so to remove or transport such body or remains in and through such streets and highways.

Permits  
granted  
upon what.

SEC. 2. Permits to disinter or exhume the bodies or remains of deceased persons, as in the last section, may be granted, provided the person applying therefor shall produce a certificate from the Coroner, the physician who attended such deceased person, or other physician in good standing cognizant of the facts, which certificate shall state the cause of death or disease of which the person died, and also the age and sex of such deceased; and *provided, further*, that the body or remains of deceased shall be inclosed in a metallic case or coffin, sealed in such manner as to prevent, as far as practicable, any noxious or offensive odor or effluvia escaping therefrom, and that such case or coffin contains the body or remains of but one person, except where infant children, of the same parent or parents, or parent and children are contained in such case or coffin. And the permit shall contain the above conditions and the words "Permit to remove and transport the body of — —, age — —, sex — —, and the name, age, and sex shall be written therein. The officer of the municipal government of the city or town, or city and county, granting such permit, shall require to be paid for each permit the sum of ten dollars, to be kept as a separate fund by the Treasurer, and which shall be used in defraying expenses of and in respect to such permits, and for the inspection of the metallic cases, coffins, and inclosing boxes herein required; and an account of such moneys shall be embraced in the accounts and statements of the Treasurer having the custody thereof.

Contents of  
permit.

Misde-  
meanor.

SEC. 3. Any person or persons who shall disinter, exhume, or remove, or cause to be disinterred, exhumed, or removed from a grave, vault, or other receptacle or burial place, the

body or remains of a deceased person, without a permit therefor, shall be guilty of a misdemeanor, and be punished by fine not less than fifty nor more than five hundred dollars, or by imprisonment in the County Jail for not less than thirty days, nor more than six months, or by both such fine and imprisonment. Nor shall it be lawful to receive such body, bones, or remains on any vehicle, car, barge, boat, ship, steamship, steamboat, or vessel, for transportation in or from this State, unless the permit to transport the same is first received, and is retained in evidence by the owner, driver, agent, superintendent, or master of the vehicle, car, or vessel.

Transportation of bodies, etc.

SEC. 4. Any person or persons who shall move or transport, or cause to be moved or transported, on or through the streets or highways of any city or town, or city and county, of this State, the body or remains of a deceased person, which shall have been disinterred or exhumed without a permit, as described in section two of this Act, shall be guilty of a misdemeanor, and be punishable as provided in section three of this Act.

Misdemeanor.

SEC. 5. Any person who shall give information to secure the conviction of any person or persons for the violation of the provisions of this Act, shall be entitled to receive the sum of twenty-five dollars, to be paid from the fund collected from fines imposed and accruing under this Act.

Reward for information.

SEC. 6. Nothing in this Act contained shall be taken to apply to the removal of the remains of deceased persons from one place of interment to another cemetery or place of interment within the same county; *provided*, that no permit shall be issued for the disinterment or removal of any body unless such body has been buried for two years.

SEC. 7. This Act shall take effect and be in force from the thirtieth day after its passage and approval.



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# RESOLUTIONS.

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# CONCURRENT AND JOINT RESOLUTIONS.

## CHAP. I.—*Assembly Concurrent Resolution No. 7.*

[Adopted December 11, 1877.]

*This Memorial of the Legislature of the State of California, to the Congress of the United States, respectfully represents :*

That in accordance with an Act of Congress, passed March third, eighteen hundred and fifty-five, authorizing the establishment of two Military Indian Reservations in the State of California, President Pierce established one Indian Reservation at Klamath, on the sixteenth day of November, A. D. eighteen hundred and fifty-five. This reservation embraces a strip of territory one mile each side of the River Klamath, from the mouth thereof twenty miles up the stream. The Klamath Reservation contains some of the best timber lands in the State of California. Along the river bottom the soil is exceedingly rich, and there are some five or six thousand acres of land which are now available for agricultural purposes. The mouth of the Klamath River is navigable for vessels of light draft for several miles up the river. Salmon abound in the river, affording an excellent chance for the establishment of fisheries. There are only a few Indians, not numbering over thirty warriors, located within the boundaries of this reservation. The main tribe, the Reguas, earn their livelihood, to a great extent, by working in the lumber yards and [on the] wharves at Crescent City, Del Norte County, a distance of twenty miles from this reservation, and do not cultivate or improve the soil in any particular. The Hoopa Indian Reservation is situated not more than twenty miles from the northeastern boundary of this Klamath Reservation, and is amply sufficient to accommodate the wants of all the Indians in the northwestern portion of the State of California. This memorial further represents that quite a number of white men are now, and have been for the last twenty-five years, located within the boundaries of said Klamath Reservation, and have accomplished valuable improvements; wherefore, be it

Memorial to  
Congress  
concerning  
certain In-  
dian Reser-  
vations.

*Resolved by the Assembly, the Senate concurring, That our Senators be instructed, and our Representatives in Congress requested, to use all honorable means to have the lands of*

the said Klamath Reservation thrown open for preëmption and homestead settlers.

*Resolved*, That his Excellency, the Governor, be requested to forward a copy of this preamble and resolution to each of our Senators and Representatives in Congress.

CHAP. II.—*Senate Joint Resolution No. 4, concerning Chinese immigration.*

[Adopted December 11, 1877.]

Preamble. WHEREAS, It appears that a bill has been introduced in Congress by the Hon. Shelly, of Alabama, to restrict Chinese immigration, by levying a per capita tax of two hundred and fifty (250) dollars upon every subject of China entering the United States, except officers or duly accredited agents of the Chinese Government and their families; and, whereas, this measure, if promptly adopted by Congress, would have the effect of checking, if not wholly stopping, the further coming to this country of hordes of the lowest class of Chinese, whose presence here would increase the miseries of our working people, by still further cheapening and degrading labor; therefore,

Per capita  
tax on  
Chinese.

*Resolved by the Senate of California, the Assembly concurring*, That our Senators in Congress are hereby instructed, and our Representatives requested, to use all honorable means to secure the speedy passage of said bill.

*Resolved*, That the Governor of this State is hereby requested to transmit copies of these resolutions to our Senators and Representatives in Congress.

CHAP. III.—*Senate Joint Resolution No. 15.*

[Adopted December 20, 1877.]

Appropriation asked  
for.

*Resolved by the Senate, the Assembly concurring*, That our Senators and Representatives in Congress be and they are hereby respectfully and earnestly requested to procure appropriations of money from the General Government for the purpose of erecting a public building in the City of Stockton for a post-office and other federal offices, and for the improvement of the navigation of the San Joaquin River.

*Resolved*, That the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

CHAP. IV.—*Senate Concurrent Resolution No. 8.*

[Adopted December 20, 1877.]

WHEREAS, The County Clerks of the Counties of Alpine, Amador, Calaveras, Humboldt, Lassen, Marin, Merced, Placer, Sacramento, San Diego, San Joaquin, and Tulare, have failed to transmit to the Secretary of State, with their abstract of votes polled on the question of calling a Convention to revise and change the Constitution of the State, at the general election for members of the Legislature, held throughout the State on Wednesday, the fifth day of September, 1877, a statement of the total number of votes polled at said election in their respective counties, as required by law; therefore, be it

Preamble.

*Resolved by the Senate, the Assembly concurring,* That the County Clerks of the aforesaid Counties of Alpine, Amador, Calaveras, Humboldt, Lassen, Marin, Merced, Placer, Sacramento, San Diego, San Joaquin, and Tulare, be and they are hereby directed and required to transmit forthwith to the Secretary of State a certificate showing the total vote polled in each of their respective counties at said general election, held on Wednesday, September fifth, 1877.

County Clerks to transmit certificate of total vote at election.

*Resolved,* That the Secretary of State be requested to transmit to each of the County Clerks of the counties named in the foregoing resolution a copy thereof.

CHAP. V.—*Senate Joint Resolution No. 7.*

[Adopted December 20, 1877.]

*Resolved by the Senate, the Assembly concurring,* That our Senators and Representatives in Congress be and are hereby respectfully and earnestly requested to procure appropriations of money from the General Government for the purpose of erecting a public building in the City of Sacramento for a post-office and other federal offices, and for the improvement of the navigation of the Sacramento and Feather Rivers.

Appropriation asked for.

*Resolved,* That the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

CHAP. VI.—*Assembly Concurrent Resolution No. 13.*

[Adopted January 15, 1878.]

WHEREAS, The rapid growth and the present and future importance of the City of Oakland, it being the second in

Preamble.

wealth and population in this State, demand for its inhabitants more convenient postal facilities, and is worthy of the consideration which we herewith earnestly solicit; therefore,

Postal facilities in Oakland.

*Resolved by the Assembly, the Senate concurring,* That each of our Senators and Representatives in Congress be and they are hereby respectfully requested to use their best endeavors to procure the greatly needed postal facilities for the convenience of the people of said city.

*Resolved,* That to attain these desirable needs, is necessary that the free delivery system be established and street letter-boxes be erected in convenient localities in said city.

*Resolved,* That his Excellency, the Governor of California, be requested to transmit a copy of these resolutions to each Senator and Representative from this State, and request them to take immediate action on the same.

#### CHAP. VII.—*Assembly Concurrent Resolution No. 6.*

[Approved January 15, 1878.]

Appropriation asked for.

*Resolved by the Assembly, the Senate concurring,* That our Senators and the several Representatives from this State in the Congress of the United States be requested to use their best endeavors to secure an appropriation for the purpose of building a new post-office in the City of San Francisco.

*Resolved,* That the Governor be requested to transmit a copy of this resolution to each of our Senators in Congress.

#### CHAP. VIII.—*Senate Joint Resolution No. 5, relative to Chinese immigration.*

[Adopted December 21, 1878.]

Preamble.

WHEREAS, It has been made to appear to the Legislature of the State of California that the best interests of the State require that Chinese immigration to this country be prohibited; and, whereas, it has also been made to appear that nearly the entire immigration comes from the Port of Hongkong, a British Colony; and, whereas, it has also been made to appear that the joint and friendly action of the Governments of Great Britain and the United States, and the exercise of the treaty-making powers thereof, if such action could be obtained, would tend to produce the desired effect; therefore, be it

Modification of treaty with China.

*Resolved by the Senate of California, the Assembly concurring,* That our Senators in Congress are hereby instructed, and

our Representatives requested, to use every exertion to procure the coöperation of the two Governments in the modification of all treaties existing between either and the Empire of China, so that Chinese immigration to the United States may not be permitted. And be it further

*Resolved*, That the Congress of the United States is hereby respectfully requested to enact the necessary laws to authorize the President of the United States to appoint a Commission, to act in conjunction with like Commissions appointed by the Government of Great Britain and the Emperor of China, with power to investigate the whole subject matter, and make such treaty stipulations as will prevent the evil, and at the same time preserve the friendly relations now existing between the three Governments.

*Resolved*, That the Governor of this State is hereby requested to transmit copies of these resolutions to each of our members in Congress.

CHAP. IX.—*Assembly Concurrent Resolution No. 24, relative to the transfer of Indian affairs to the War Department.*

[Adopted January 18, 1878.]

*Resolved by the Assembly, the Senate concurring*, That our Senators be instructed, and our Representatives in Congress be requested, to vote for and exert their influence in behalf of the passage of an Act transferring the management of Indian affairs from the Department of Interior to the Department of War.

Transfer of  
Indian  
affairs.

*Resolved*, That his Excellency, the Governor, be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

CHAP. X.—*Assembly Joint Resolution No. 20.*

[Adopted January 18, 1878.]

*Resolved by the Assembly, the Senate concurring*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure an appropriation for the improvement of the Harbor of Crescent City, Del Norte County, State of California; also, an appropriation of ten thousand dollars to improve the navigation of Smith River, in said county and State; and that the Governor of this State be requested to transmit a copy of this resolution to each of our Representatives and Senators, with a request that they take speedy action in the matter.

Appropriation asked for.

CHAP. XI.—*Assembly Concurrent Resolution No. 19.*

[Adopted January 18, 1878.]

Appropriation asked for.

*Resolved by the Assembly, the Senate concurring,* That our Senators and Representatives in Congress be and are hereby requested to use their most earnest efforts to procure an appropriation of twenty thousand dollars from the General Government for the improvement of the navigation of the Mokelumne River; and the Governor of this State is hereby requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

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CHAP. XII.—*Assembly Concurrent Resolution No. 18.*

[Adopted January 18, 1878.]

Preamble.

WHEREAS, It is the duty of the General Government to recognize at all times the services rendered by her soldiers and sailors in the maintenance of the nation's honor; and, whereas, the gallant men who fought for their country, on land and sea, in the Mexican war, have not received such compensation as their heroic efforts justly entitle them to; therefore, be it

Pension to Mexican war veterans.

*Resolved by the Assembly, the Senate concurring,* That our Representatives in Congress be requested, and our Senators instructed, to use all honorable means to procure the passage of an Act granting pensions to the soldiers, sailors, and marines who served in the Mexican war during the years of eighteen hundred and forty-six, eighteen hundred and forty-seven, and eighteen hundred and forty-eight.

*Resolved,* That his Excellency, the Governor of California, be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

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CHAP. XIII.—*Assembly Concurrent Resolution No. 14.*

[Adopted January 18, 1878.]

Improvement of San Luis Obispo Harbor.

*Resolved by the Assembly, the Senate concurring,* That our Senators and Representatives in Congress be and they are hereby respectfully requested to use their most earnest efforts to procure an appropriation of money from the General Government for the improvement of the Harbor of San Luis Obispo, in said county; and the Governor of this State is hereby requested to transmit a copy of this resolution to our Senators and Representatives in Congress.

CHAP. XIV.—*Assembly Concurrent Resolution No. 12, relative to Wilmington Harbor.*

[Adopted January 18, 1878.]

*Resolved by the Assembly, the Senate concurring,* That our Senators and Representatives in Congress be and they are hereby respectfully requested to use their most earnest efforts to procure an appropriation of money from the General Government for the improvement of Wilmington Harbor, in Los Angeles County. Improvement of Wilmington Harbor.

The Governor is hereby requested to transmit a certified copy of the foregoing resolution to our Senators and members of Congress.

CHAP. XV.—*Assembly Joint Resolution No. 25.*

[Adopted January 18, 1878.]

WHEREAS, At the present time there is only a weekly mail over the mail route from the Town of Cambria, via Adelaide Post-office, to the Paso Robles Springs, in the County of San Luis Obispo, State of California; and, whereas, the interests of the country and the demands of the population along the line of said route require that the mail service should be increased; therefore, be it Preamble.

*Resolved,* That our Senators in Congress be instructed, and our Representatives be requested, to use their best endeavors to procure the establishment of a daily mail over said route, and that the Governor be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress. Mail service between Cambria and Paso Robles Hot Springs.

CHAP. XVI.—*Senate Joint Resolution No. 16.*

[Adopted January 15, 1878.]

*Resolved by the Senate, the Assembly concurring,* That our Senators and Representatives in Congress be and they are hereby respectfully requested to use their most earnest efforts to procure an appropriation of money from the General Government for the improvement of Feather and Sacramento Rivers, and for post-office buildings in the City of Marysville. Improvement of Sacramento and Feather Rivers.

CHAP. XVII.—*Senate Joint Resolution No. 23.*

[Adopted January 30, 1878.]

WHEREAS, It has been the settled policy of the Government of the United States to donate to the several States the Preamble.

swamp and overflowed lands within their respective limits in trust, that the proceeds of the sale thereof should be applied to rendering such lands fit for habitation and cultivation; and, whereas, a large portion of the lands in this State, unsold and belonging to the United States, cannot be inhabited and cultivated without irrigation; and, whereas, it would, therefore, seem to be in accordance with the policy of the government to appropriate the proceeds of the sales of such lands to the purposes of rendering them suitable for such inhabitancy and cultivation, thereby tending to their settlement, the encouragement of immigration, and the promotion of the general welfare; therefore, be it

Irrigation of  
swamp and  
overflowed  
lands.

*Resolved by Senate and Assembly of the State of California,* That the Government of the United States be and is hereby requested to donate to the State of California the proceeds of the sales of public lands hereafter made in this State, to be used by the State, under such regulations and on such trusts as may be prescribed, for the purposes of irrigation and protection of agricultural lands from the effects of mining debris; and be it further

*Resolved,* That the Governor is requested to transmit copies hereof to our Senators and Representatives in Congress.

#### CHAP. XVIII.—*Assembly Concurrent Resolution No. 35.*

[Adopted February 2, 1878.]

Preamble  
concerning  
subsidy to  
Pacific Mail  
Steamship  
Company.

WHEREAS, It is understood that movements have been inaugurated by the Pacific Mail Steamship Company, looking to a renewal of the subsidy of five hundred thousand dollars per annum, formerly granted to the said company by the Government of the United States; and, whereas, said steamship company or companies have been largely instrumental in the transportation of subjects of the Chinese Empire to the Coast of California; and, whereas, the granting of such subsidies to steamship companies running on said waters, facilitates, encourages, and aids the immigration of Chinese to our shores, to the detriment of our State, driving out the substantial white laboring classes, who are identified with the best interests of our State, as well as necessary to its permanent future prosperity, by a competition which means degradation to white labor and starvation to the white laboring classes; therefore,

Preventing  
granting of  
subsidy.

*Resolved by the Assembly of the State of California, the Senate concurring,* That our Senators in Congress are instructed, and our Representatives requested, to use their earnest and united efforts to prevent any further subsidies being granted by the Government of the United States to any steamship



company running their vessels on the Pacific Ocean, between the Coast of California and the Empire of China.

*Resolved*, That a copy of these resolutions be forthwith forwarded to each of our Senators and Representatives in Congress.

CHAP. XIX.—*Assembly Joint Resolution, No. 5; Joint Resolution requesting of the President and Congress a change in existing treaties and laws, so as to stop the immigration of Chinese to the United States.*

[Adopted February 9, 1878.]

WHEREAS, The citizens of California, after a practical experience with the Chinese population in this State of more than twenty-seven years, have become convinced of the following facts connected therewith: First—That the Chinese who come to California consist, almost exclusively, of adult males, ignorant of our language, religion, customs, and civilization, and that, practically, they remain so during their continuance among us; that they come with no intention or desire of permanent residence, but temporarily, in order to take advantage of the higher wages paid in this in common with other civilized countries, the natural result of more refined and higher modes of life, and especially of the necessity the laborers of our own race are under of rearing, providing for, and educating families; that the wants of the Chinese are so much less than those of our own people, that they can and do work for half the amount of wages essentially necessary to enable the American or European laborer to subsist; that the Chinese, when they have amassed a certain sum of money, invariably return to their own country, but only to give place to other adult Chinese males equally ignorant of our language and customs; so that the Mongolian population of this State remains, after twenty-seven years' aggregate residence, and always must remain, an alien and degraded race, settled in our midst, having no sympathy or interest in common with our people—pernicious in time of peace, and useless, if not dangerous, in time of war. Second—That, in consequence of their peculiar habits and methods of living, the Chinese are rapidly taking possession of the various fields of industry in this community, both skilled and unskilled, and are driving out the mechanics and laborers of our own race, and reducing them and their families to want. Third—That, in consequence of these facts, the prejudice of the industrial portion of our own people against the Chinese population has steadily increased and intensified, until we find our lives and property in constant peril from tumults and riotous proceedings, threatening to lead to a war of races, with all its attendant horrors, if means are not speedily taken to avert the evil, by removing the cause; and

Preamble  
concerning  
Chinese  
immigra-  
tion.

whereas, these dangers are immediate and pressing ; therefore,

Modification of treaty with China.

*Resolved by the Assembly, the Senate concurring,* That the people of California, through this present Legislature, do most respectfully, but solemnly and earnestly, urge upon the President of the United States and the Senate, as the treaty-making power, as well as upon Congress, holding the constitutional authority to regulate commerce, that it is absolutely essential, not only to the welfare and prosperity of our State, but to the public peace, to so modify the treaties and laws now governing this subject that the immigration of Chinese to this State shall be stopped.

*Resolved,* That our Senators in Congress be instructed, and our Representatives requested, to renew and continue their efforts in Congress and with the President and the Senate, to induce them, by such methods and in such manner as they shall deem wise, to, as speedily as possible, relieve us from this great and overshadowing evil.

*Resolved,* That the Governor be requested to transmit these resolutions, forthwith, to our Senators and Representatives, in order that they may lay the same before the President and the Congress of the United States.

CHAP. XX.—*Assembly Joint Resolution No. 40, relative to establishing a mail route from Reno, in the State of Nevada, to Chico, in California.*

[Adopted February 15, 1878.]

Mail service between Reno and Chico.

*Resolved by the Assembly, the Senate concurring,* That our Senators in Congress be instructed, and our Representatives be requested, to use all honorable means in their power to have a tri-weekly mail route established, starting at Reno, in the State of Nevada, and running thence by way of Summit, Red Clover, Taylorville, Greenville, Prattville, and to Chico, in Butte County, California.

*Resolved,* That his Excellency, the Governor, be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

CHAP. XXI.—*Senate Joint Resolution No. 9.*

[Adopted February 16, 1878.]

Completion of dry-dock.

*Resolved by the Senate, the Assembly concurring,* That our Senators and Representatives in Congress be and they are hereby respectfully requested to use their most earnest efforts to procure an appropriation of money from the Gen-

eral Government for the completion of the stone dry-dock, now in course of construction at the Navy Yard, at Mare Island.

*Resolved*, That the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

CHAP. XXII.—*Senate Joint Resolution No. 19.*

[Adopted February 16, 1878.]

WHEREAS, The Presidio Reservation is the property of the United States, and only a small portion of which is used for military purposes; and, whereas, it consists of about seventeen hundred acres of land lying immediately north of the City and County of San Francisco, and less than three miles from the center of the business part of said city, and is the most attractive spot for a public park on the peninsula, skirting as it does the great Bay of San Francisco on the west, and comprising the whole of the land sloping to the east from the Golden Gate to the city; and whereas, much of said land is well watered and capable of cultivation, while a large portion of the remaining lands of the said City and County of San Francisco which is not built upon is drifting sand; therefore,

Preamble concerning dedication of Presidio Reservation for public park.

*Resolved by the Senate, the Assembly concurring*, That our Senators in Congress be instructed, and our Representatives requested, to use all means in their power to secure the passage of an Act of Congress dedicating the lands above described for the purpose of a public park.

*Resolved*, That his Excellency, the Governor, be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, and the Secretary of War.

CHAP. XXIII.—*Senate Joint Resolution No. 18.*

[Adopted February 16, 1878.]

WHEREAS, For many years it has been the practice and settled policy of the Federal Government to allow actual settlers to acquire by preëmption and for homestead purposes, upon easy terms, limited quantities of the public lands of the nation, which policy experience has sanctioned and approved, and should be maintained and encouraged; and, whereas, the Congress, in its more recent legislation, has departed from this settled policy and enacted special laws authorizing the acquisition of large and unlimited quantities of so-called desert lands, which are now claimed and held in this State by single individ-

Preamble concerning monopoly of government land.

uals in tracts of many thousand acres, not for settlement, use, and occupation, but for purposes of speculation, to the great injury of actual settlers; and, whereas, it is the opinion of many good citizens that by means of doubtful affidavits, ex parte testimony, and questionable certificates, great frauds on the government have been designedly perpetrated; and, whereas, the acquisition of large tracts of the public domain by single individuals, beyond their actual necessities or their ability personally to use and cultivate, has a tendency to retard the growth and prosperity of our State, turn from our borders actual settlers and free immigration, and in lieu thereof to further stimulate the introduction and use of coolie labor from Asia; therefore,

Repeal of  
laws.

*Resolved by the Senate and Assembly of the State of California,* That our Senators in Congress be instructed, and our Representatives requested, to urge by all honorable means the immediate repeal of all laws permitting the acquisition of government lands, unless it be by actual settlers, in limited quantities, in accordance with what has hitherto and until recent years been the usage and uniform policy of the nation; and further, that a copy of these resolutions be transmitted by the Governor to the Vice-President, to our Senators and Representatives in Congress, and to the Secretary of Interior.

#### CHAP. XXIV.—*Senate Joint Resolution No. 20.*

[Adopted February 16, 1878.]

Preamble.

WHEREAS, The San José Point Réserve, located within the City and County of San Francisco, is the property of the United States; and whereas, it is the desire of the City of San Francisco to open and improve its streets and squares in that locality, and the citizens their property; therefore,

Provision to  
be inserted.

*Resolved by the Senate, the Assembly concurring,* That our Senators in Congress be instructed, and our Representatives requested, to use all means in their power to secure an appropriation from Congress to pay one-half of the expense of grading, sewerage, planking, or paving in the streets bounding said government property.

*Resolved,* That the Governor be requested to obtain from the Mayor of San Francisco an estimate of the cost of the above work; also, that he be requested to obtain from Major-General McDowell his opinion as to the propriety of the work called for by this resolution.

*Resolved,* That the Governor be requested to forward a copy of these resolutions, together with the estimated cost, and the opinion of General McDowell, to our Senators and Representatives in Congress, and the Secretary of War.

CHAP. XXV.—*Assembly Joint Resolution No. 11, relative to encouragement of rifle practice in the Army of the United States, and the militia of the several States.*

[Adopted February 19, 1878.]

WHEREAS, The improvements that have been made in small arms, while increasing their range and effective power, demand a high degree of skill from those who carry them, in the hands of men who are not properly instructed in their use they are in no respect superior to the weapons used twenty years ago—at the same time the changes that have taken place in the condition of society have prevented our people from acquiring that skill in the use of the rifle for which they were formerly celebrated, and which in the early history of our country constituted one of its main defenses; and, whereas, within the last few years the militia of New York, California, Connecticut, and one or two other States, without assistance from the government or the regular army, have developed a system of instruction in rifle practice which has enabled them to defeat the best riflemen of the world, and which has more than quadrupled their military efficiency; and, whereas, so great is the interest manifested that the last year has witnessed California sending a team of National Guardsmen three thousand miles, at an expense of five thousand dollars, to compete against New York, Connecticut, and New Jersey, for the inter-State prize presented by the State of New York, and New York having over fifteen thousand men performing a regular course of instruction upon fifteen official ranges throughout the State, of whom over two thousand have earned the "Marksman's Badge" presented by the State authorities to those showing a high degree of skill; and, whereas, the system that has been so successful in those States can and should be introduced into the regular army and navy, who should be enabled to engage in it; and, whereas, it should also be extended and developed in those States whose uniformed militia are already instructed in the subject, and those States whose militia have not taken up the matter should be aided and encouraged to do so; and, whereas, the expense would be comparatively small, and would be more than repaid by the national strength that would be derived from a strong and effective militia power which could be relied upon in time of need, as well as by the increased effectiveness of the regular army; and, whereas, the enactment of a law which would authorize the Secretary of War to offer prizes to the uniformed militia of the different States, and to the regular army and navy, for excellence in shooting, to issue ammunition to them for practice, and to aid the construction of ranges and the general promotion of rifle practice in such portions of the country as possess a uniformed and properly organized militia, or where detachments of regular troops are located, would

Preamble concerning encouragement and promotion of rifle practice in army and militia.

effect a great and much needed reform, and would be strictly within the powers of Congress; therefore,

Appropriation asked for.

*Resolved by the Assembly of the State of California, the Senate concurring,* That our Senators in Congress are instructed, and our Representatives in Congress are requested, to use their best endeavors to have inserted in the Army Appropriation Bill a provision for the encouragement of rifle practice, not only in the regular army, but among the uniformed militia of the various States.

*Resolved,* That his Excellency, the Governor, be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

#### CHAP. XXVI.—*Assembly Joint Resolution No. 28.*

[Adopted February 28, 1878.]

Mail service between La Graciosa and Lompoc.

*Resolved by the Assembly, the Senate concurring,* That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure an increase of the mail service on mail route forty-six thousand three hundred, from La Graciosa (the present point of divergence), or from Las Alamos, Guadalupe, or such other point as may be deemed the most practicable, to Lompoc, in the County of Santa Barbara, State of California, by changing said service from a tri-weekly to a daily mail.

*Resolved,* That his Excellency, the Governor, be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

#### CHAP. XXVII.—*Senate Joint Resolution No. 35.*

[Adopted March 2, 1878.]

Preamble concerning increase of appropriation for arming and equipping militia.

WHEREAS, An annual appropriation for arming and equipping militia, of two hundred thousand dollars, was made in the year eighteen hundred and eight, when the population of the country was about eight million, and the said appropriation has never been increased, although the population is now over forty million; and, furthermore, whereas, the militia in the United States numbers at present three million seven hundred and eighty-six thousand seven hundred and one, and the sum of two hundred thousand dollars will only purchase eleven thousand one hundred and eleven rifle-muskets, which would be only sufficient to arm one out of every three hundred and forty men, and at this rate it would take three hundred and forty years to arm the whole body of militia, provided the

number did not increase; and, whereas, the State of California has only received, thus far, on her quota, one thousand five hundred improved arms—too few to arm the companies now organized—and in case of an emergency she would have no reserve of arms, equipments, or ammunition; therefore, be it

*Resolved by the Senate, the Assembly concurring,* That our Senators be instructed, and our Representatives in Congress be requested, to vote for and exert their influence in behalf of the passage of an Act to increase the amount appropriated at the present session of Congress for arming and equipping the militia. Increased appropriation asked for.

*Resolved,* That his Excellency, the Governor, be requested to forward a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

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CHAP. XXVIII.—*Substitute for Senate Joint Resolution No. 34, in reference to viniculture.*

[Adopted March 7, 1878.]

WHEREAS, Viniculture in California has attained importance, and promises to become one of the leading industries of our State, and one which will make valuable a large area of land which is not valuable for other purposes, thereby increasing the taxable property of the State, giving employment to a large number of intelligent and skilled laborers, and adding greatly to the prosperity of the Commonwealth; and, whereas, important changes in the revenue laws of the United States are being suggested in Congress, materially affecting this industry by decreasing the present tariff on imported wines; therefore, be it Preamble concerning viniculture.

*Resolved by the Senate, the Assembly concurring,* That our Senators be instructed, and our Representatives be requested, to oppose any change of the present duties upon imported wines. Duty upon wines.

*Resolved,* That his Excellency, the Governor, be requested to forward copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

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CHAP. XXIX.—*Senate Joint Resolution No. 26.*

[Adopted February 28, 1878.]

WHEREAS, The farmers of the Pacific Coast use twenty millions of grain bags each year; and, whereas, the tax upon the materials of which these sacks are made is almost Preamble.

entirely collected on the Pacific Coast; and, whereas, no one is benefited by said tax, except a few individuals who employ Chinese labor only; therefore, be it

Duty on  
grain bags,  
etc.

*Resolved by the Senate, and Assembly concurring,* That our Senators and Representatives in Congress be requested to use all honorable means to have the duty on grain bags, burlaps, gunnys, or gunny cloth, abolished or reduced to fifteen per cent. ad valorem.

*Resolved,* That the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

CHAP. XXX.—*Assembly Joint Resolution No. 10, requesting Congress to enact a law reserving the fresh waters upon the public lands of the United States for the free and common use of the inhabitants of the State or Territory where the same are situated.*

[Adopted March 6, 1878.]

Preamble  
concerning  
monopoly of  
fresh water.

WHEREAS, The climate of the States and Territories lying near and west of the Rocky Mountains is generally dry, and in many districts comparatively rainless, so that fresh water is often insufficient in quantity for the complete cultivation of the soil, and in many localities inadequate for any purpose; and, whereas, the common law rule as to water and water-courses, and riparian ownership founded upon the customs of a people settled in a wet and humid climate, and which permits ownership and property rights in water independent of its being applied to any beneficial use, leading to the anomaly of the land owner exercising the right of allowing the same to run to waste when his neighbor is actually suffering for the want of it, is detrimental to the development, prosperity, and welfare of the Pacific States and Territories, by encouraging and legalizing the monopoly of and speculation in the element so essential to the comfort and welfare of the people; therefore,

*Resolved by the Assembly, the Senate concurring,* That the Legislature of California earnestly urges upon the attention of Congress the evils that threaten the new States and Territories growing out of the monopoly, by private individuals and corporations, of the fresh water and sources of water supply still remaining upon the public lands.

Water re-  
served from  
sale.

*Resolved,* That in the opinion of the Legislature of California it is essential to the settlement, growth, and prosperity of the region in and west of the Rocky Mountains, and especially the Pacific States and Territories, that the fresh waters of all rivers and streams of sufficient magnitude to supply more than one family for domestic and agricultural uses, and all lakes and ponds with an area of more than one acre



in extent, shall be reserved from sale or grant in exclusive ownership, and that the same be granted and dedicated to the States and Territories where the same are situated, for the free and common use of all the inhabitants, for the natural purposes of drinking and washing, for man, and domestic beasts, for irrigating the soil, and for mining purposes.

*Resolved*, That our Senators are instructed, and our Representatives requested, to use all constitutional and proper means to procure the passage of a law granting, reserving, and dedicating all fresh waters running upon the public lands of the United States to the States and Territories where the same are situated, for the purposes hereinbefore set forth.

*Resolved*, That the Governor is hereby requested to cause copies of this resolution to be duly certified and authenticated, and to transmit the same to our Senators and Representatives in Congress.

CHAP. XXXI.—*Assembly Joint Resolution No. 57, relative to the relinquishment by the United States of the site of Camp Independence, in Inyo County.*

[Adopted March 9, 1878.]

*Resolved by the Senate, the Assembly concurring*, That our Senators in Congress be instructed, and our Representatives requested, to procure the passage of an Act of Congress empowering and directing the Secretary of War to convey to Trustees, to be named by him, the site of Camp Independence, with the improvements, situated in the County of Inyo, State of California, to be used for school purposes, under the direction of the county authorities charged with the direction of the public schools of said county.

Conveyance  
of Camp In-  
dependence  
for school  
purposes.

*Resolved*, That the Governor is hereby requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

CHAP. XXXII.—*Assembly Joint Resolution No. 3.*

[Adopted March 11, 1878.]

PREAMBLE—In view of the accumulation of poverty and dependence in large cities, and the consequent distress prevailing there among the laboring classes, calling for the wisest statesmanship, and demanding the greatest prudence and economy in husbanding all the national resources, it is time to declare that the public lands of the United States are the common patrimony of the American people; therefore,

Preamble.

Donation of  
public lands.

*Resolved by the Assembly of the State of California, the Senate concurring,* That no more of the public lands of the United States should be donated to corporations, or given away in subsidy.

*Resolved,* That our Senators in Congress are instructed, and our Representatives in Congress are requested, to oppose the granting of public lands to corporations, or giving them away in subsidies for any purpose whatever.

*Resolved,* That a copy of these resolutions be forwarded to each of our Senators and Representatives at Washington.

### CHAP. XXXIII.—*Assembly Joint Resolution No. 32.*

[Adopted March 11, 1878.]

Preamble  
concerning  
disposition  
to be made  
of certain  
tribes of  
Indians.

WHEREAS, The various Indian tribes of San Diego County, consisting of the Cahuilla, San Luis Rey, and Diegueña Indians, aggregating some three thousand souls, are now occupying lands that for the most part are the property of white settlers, who thus are debarred from fully occupying and improving their lands; and, whereas, this joint occupancy is productive of much ill-feeling and strife, constantly threatening and at times causing bloodshed, retarding the development of the country, and productive of evil only to the Indians, who rapidly becoming drunkards prostitute their women to obtain means to gratify their thirst for liquor, and in turn debauch the youth of the country; and, whereas, the whites, as they desire to utilize their lands, are proceeding to eject the Indians by legal process, who, thus deprived of their ancestral homes, in their exasperation are liable to resort to murder and arson in retaliation; and, whereas, the General Government, in its efforts to provide homes for these Indians, has hitherto failed to remedy the evils herein complained of; and, whereas, it is the bounden duty of the General Government to watch over and care for these wards of the nation, and as well to protect its citizens from threatened war and murder; now, therefore, be it

Provision for  
reservation.

*Resolved by the Assembly, the Senate concurring,* That our Representatives and Senators in Congress be requested to use their utmost endeavors to have the General Government provide a suitable reservation for these Indians, apart from the whites, and remove them thereto as soon as practicable.

*Resolved,* That the Governor is hereby requested to forward a copy of these resolutions to each of our Senators and Representatives at Washington.

CHAP. XXXIV.—*Assembly Joint Resolution No. 43.*

[Adopted March 11, 1878.]

WHEREAS, Important changes are being proposed in Congress in the revenue laws of the United States, among them the abolition of the import duty on mohair; and, whereas, many of the citizens of California have, at great cost of both time and money, imported from the distant provinces of Asia Minor the Angora goat, and are breeding them extensively for the production of mohair, but as yet have received but little returns on their investments—have but fairly laid the foundation of a new and great industry, not only for California, but for the entire Pacific Coast; and, whereas, the general policy of the government has been to foster and protect home industries in their infancy; therefore, be it

Preamble  
concerning  
duty on  
mohair.

*Resolved by the Assembly, the Senate concurring,* That our Senators be instructed, and our Representatives in Congress requested, to oppose any change in the import duty on mohair.

*Resolved,* That his Excellency, the Governor, be requested to forward a copy to each of our Senators and Representatives in Congress.

CHAP. XXXV.—*Assembly Joint Resolution No. 46.*

[Adopted March 11, 1878.]

WHEREAS, It is proposed in Congress to greatly reduce the import duty on wool; and, whereas, the production of wool is one of the leading industries of the State of California, giving employment and sustenance to thousands of her people; and, whereas, owing to the drought (almost hitherto unfelt in this State) during the past year, fearfully reducing our flocks, and with the general derangement of all branches of business throughout the country has reduced to the verge of bankruptcy very many of our wool growers; and should the import duty on this staple be reduced, financial disaster would result to most of them, as wool cannot be profitably grown in California in competition with Australia, as lands, labor, and taxation are high in California, whilst in Australia the lands are owned by the government and leased to the wool grower for a nominal sum, and free from taxation; therefore, be it

Preamble  
concerning  
duty on  
wool.

*Resolved by the Assembly, the Senate concurring,* That our Senators be instructed, and our Representatives in Congress be requested, to oppose any change in the import duty on wool.

*Resolved further,* That his Excellency, the Governor, be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

CHAP. XXXVI.—*Assembly Resolution No. 44.*

[Adopted March 11, 1878.]

Preamble  
concerning  
recognition  
of Diaz Gov-  
ernment in  
Mexico.

WHEREAS, The proximity of the State of California to the Republic of Mexico, and owing to the kindred interests of the two sections, and that many citizens of the State of California are largely interested in commercial pursuits with the citizens of Mexico, and are engaged in mining and agricultural enterprises in Mexico; and, whereas, the citizens of the State of California feel a deep interest in the prosperity of our sister Republic, and are desirous of having the most cordial relations established and uninterruptedly maintained between the Government of the United States and the Republic of Mexico; and, whereas, General Porfirio Diaz has for more than a year been recognized by the people of Mexico as their President, and has at all times manifested a spirit of justice and liberality towards citizens of California temporarily resident in Mexico; and, whereas, the Government of the United States has heretofore failed to recognize the present Government of Mexico; therefore, be it

*Resolved by the Assembly, the Senate concurring.* That our Senators be instructed, and our Representatives in Congress requested, to use all proper means to secure the recognition of the Diaz Government at the earliest day possible.

*Resolved,* That his Excellency, the Governor, be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing resolution.

CHAP. XXXVII.—*Assembly Joint Resolution No. 62; Assembly Joint Resolution asking increased mail facilities in San Luis Obispo County.*

[Adopted March 11, 1878.]

Preamble.

WHEREAS, At the present time there is only a weekly mail over the mail route from the Town of San Marcos to the Cholama Post-office, in said San Luis Obispo County, State of California; and, whereas, the interests of the county and the demands of the population along the line of said route require that the mail service should be increased to a tri-weekly mail between San Marcos and Cholama, instead of a weekly, as at present; therefore, be it

Mail service  
between San  
Marcos and  
Cholama.

*Resolved,* That our Senators in Congress be instructed, and our Representatives be requested, to use their best endeavors to procure the establishment of a tri-weekly mail over said route, and that the Governor be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

CHAP. XXXVIII.—*Senate Joint Resolution No. 37.*

[Adopted March 11, 1878.]

WHEREAS, The rapid growth of the City of San Francisco will, in a very short time, render it necessary to forbid the interment of the dead within the city limits, and no convenient accessible place for sepulchre exists on the peninsula on which the city stands; therefore,

Preamble.

*Resolved by the Senate, the Assembly concurring,* That our Senators and Representatives in Congress be requested to use their efforts to obtain from Congress a grant to the City of San Francisco of "Angel Island," or so much thereof as is not needed for military purposes, for use as a cemetery, and the Governor is hereby requested to forward copies of this resolution to our Representatives in Washington.

Cemetery on  
Angel  
Island.

CHAP. XXXIX.—*Assembly Joint Resolution No. 50.*

[Adopted March 11, 1878.]

*Resolved by the Assembly, the Senate concurring,* That our Senators in Congress be instructed, and our Representatives be requested, to use all honorable means to secure the establishment of a mail route from Oroville to Mooretown, via Enterprise, in Butte County, California.

Mail service  
between  
Oroville and  
Mooretown.

*Resolved,* That his Excellency, the Governor, be instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

CHAP. XL.—*Assembly Joint Resolution No. 55, relative to a mail route in Fresno County.*

[Adopted March 11, 1878.]

*Resolved by the Assembly, the Senate concurring,* That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure the establishment of a semi-weekly mail route from the Town of Centerville to Squaw Valley, in Fresno County, California.

Mail service  
between  
Centerville  
and Squaw  
Valley.

*Resolved,* That the Governor be requested to immediately forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

CHAP. XLI.—*Assembly Joint Resolution No. 66.*

[Adopted March 14, 1878.]

Preamble.

WHEREAS, An order has been made by Major-General McDowell, commanding the Department of the Pacific Coast, requiring the white settlers on the old, defunct Klamath Reservation, in California, to leave their homes and families on the tenth day of May, eighteen hundred and seventy-eight, and abandon their claims—mining and agricultural—on the said reservation; and, whereas, the enforcement of such an order would be a gross injustice and outrage on the rights of such settlers; therefore, be it

Throwing  
open Klamath  
Reservation to actual  
settlers.

*Resolved by the Assembly, the Senate concurring,* That our Senators in Congress be instructed, and our Representatives requested, to take immediate action in the matter in order that the said reservation be thrown open to actual settlers; or, in a failure to accomplish that, to procure an extension of time in the enforcement of the aforesaid order.

*Resolved,* That his Excellency, the Governor, be requested to forward a copy of the aforesaid preamble and resolution to each of our Senators and Representatives in Congress.

CHAP. XLII.—*Assembly Joint Resolution No. 45.*

[Adopted March 12, 1878.]

Preamble  
concerning  
deserters  
from army.

WHEREAS, At the time gold was discovered in California a majority of the troops then in the territory were enlisted as New York Volunteers, who were really an armed emigration; and, whereas, when gold was discovered the war with Mexico was actually ended, and the said troops were entitled to be honorably discharged from the service of the United States, in accordance with the stipulation made and agreed to by the said volunteers and the United States Government; and, whereas, under the excitement then existing as to the discovery of gold, a few of the said volunteers did leave their commands; and, whereas, Congressman Luttrell has introduced a bill in Congress relieving all persons from any liability or penalty inflicted by any laws of the United States relative to deserters who absented themselves from their commands in California between the time of the discovery of gold and the thirty-first day of December, eighteen hundred and forty-eight; therefore, be it

*Resolved by the Assembly, the Senate concurring,* That our Senators in Congress be instructed, and our Representatives in Congress be requested, to vote for and use all legitimate means to secure the passage of the bill referred to as introduced by the Hon. J. K. Luttrell, July twenty-fourth, eight-

een hundred and seventy-six, allowing the persons alluded to the desired relief. Be it further

*Resolved*, That the Governor is requested to send certified copies of this preamble and resolution to each of the Senators and Representatives of the State of California in Congress.

CHAP. XLIII.—*Senate Joint Resolution No. 42, relating to the office of the U. S. Surveyor-General of California.*

[Adopted March 22, 1878.]

WHEREAS, On January twenty-eighth, eighteen hundred and seventy-eight, there was introduced in Congress and referred to the Committee on Public Lands of the House of Representatives, House bill number two thousand seven hundred and forty-two, entitled an Act to provide for a more economic and accurate survey of the public lands; and, whereas, said bill has for its object, and provides for the consolidation of all the offices of Surveyors-General of the United States into one office to be established and located in the City of Washington; and, whereas, said bill provides for the removal to the City of Washington of all the public records, maps, and archives of all said offices, including that of California; and, whereas, if such action is had by Congress at this time it will prove detrimental to the public interests of the people of California, and should not be enacted into a law in so far as it relates to California; therefore, be it

Preamble concerning consolidation Surveyors-General's offices.

*Resolved by the Senate, the Assembly concurring*, That our Senators in Congress be instructed, and our Representatives requested, to use every endeavor to have said bill resisted, and to defeat the passage by Congress of the aforesaid bill, or of any measure similar thereto.

*Resolved*, That his Excellency, the Governor, be and is hereby requested to transmit a copy of the preamble hereto, and these resolutions, to each of our Senators and Representatives in Congress.

CHAP. XLIV.—*Senate Concurrent Resolution No. 45.*

[Adopted March 20, 1878.]

WHEREAS, The Congress of the United States, in Senate and House of Representatives, passed an Act entitled "An Act authorizing a grant to the State of California of the Yosemite Valley and the land embracing the Mariposa Big Tree Grove," which Act, approved June 30th, 1864, contains the following provisions: That there shall be

Preamble concerning Yosemite Valley.

and is hereby granted to the State of California the clift or gorge in the granite peak of the Sierra Nevada Mountains, situated in the County of Mariposa, in the State aforesaid, and the headwaters of the Merced River, and known as the Yosemite Valley, with its branches and spurs, in estimated length fifteen miles, and in average width one mile back from the main edge of the precipice on each side of the valley, with the stipulation, nevertheless, that the said State shall accept this grant upon the express conditions that the premises shall be held for public use, resort, and recreation, and shall be inalienable for all time, but leases not extending ten years may be granted for portions of said premises; and, whereas, the leases named in said quoted provision of the law aforesaid are yet in existence; therefore, be it

Lease of land  
limited.

*Resolved by the Senate, the Assembly concurring,* That the Commissioners of Yosemite Valley be requested, and it is the sense of the Legislature, that in future no leases be made for any lands located in said valley for more than ten (10) acres, in which leases it is stipulated that fences can be erected. Be it further

Removal of  
fences.

*Resolved,* That the Commissioners of Yosemite Valley are requested, and it is the sense of the Legislature, that they so modify, as far as possible, the present leases under which fences have been erected on more than ten (10) acres of land in said valley, thereby removing such obstructions. Be it further

Fences;  
where  
allowed.

*Resolved,* That in any future leases, granted by said Commissioners, it is requested, and it is the sense of the Legislature, there should be incorporated a provision, that when fences are allowed on lands of ten acres or less, the property so leased and fenced shall only be used for hotel and other purposes for the accommodation of visitors to the valley, and for no other purposes whatever.

#### CHAP. XLV.—Senate Joint Resolution No. 46.

[Adopted March 20, 1878.]

Mail service  
between  
Kingsburg  
and Granger-  
ville.

*Resolved by the Senate, the Assembly concurring,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the establishment of a daily instead of a tri-weekly mail service from the Town of Kingsburg, in Fresno County, by the way of Duke's School House and Kingston, to Grangerville, in Tulare County, California.

*Resolved,* That his Excellency, the Governor, be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.



CHAP. XLVI.—*Senate Joint Resolution No. 47.*

[Adopted March 20, 1878.]

*Resolved by the Senate, the Assembly concurring,* That our Senators in Congress are instructed, and our Representatives are requested, to use their influence to procure the establishment of a mail route, with semi-weekly services thereon, from the City of Visalia, by way of Townsend's, to Fairview, in Tulare County, [State] of California.

Mail service  
between  
Visalia and  
Fairview.

*Resolved,* That his Excellency, the Governor, be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

CHAP. XLVII.—*Senate Joint Resolution No. 48.*

[Adopted March 20, 1878.]

*Resolved by the Senate, the Assembly concurring,* That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure an increase of the mail service on mail route forty-six thousand two hundred and forty-seven, from Reading, in Shasta County, State of California, to Alturas, in Modoc County, State of California, by changing said service to six times a week to and from said points, and reducing the time to seventy-two hours.

Mail service  
between  
Reading and  
Alturas.

*Resolved,* That his Excellency, the Governor, be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

CHAP. XLVIII.—*Assembly Joint Resolution No. 59; Joint Resolution relative to the production and manufacture of sugar from beets and melons in the State of California, and the appointment of a suitable person to investigate the subject and to report thereon.*

[Adopted March 22, 1878.]

WHEREAS, In view of the wide-spread anxiety of agriculturists, of the mercantile fraternity, and the public generally throughout the country, to obtain accurate and reliable information in relation to the production and manufacture of indigenous sugars from beets and melons, the growing importance and desirable benefit of having the industry more generally understood and introduced; therefore, be it

Preamble  
concerning  
manufacture  
of sugar  
from beets.

*Resolved by the Assembly, the Senate concurring,* That we earnestly request the Honorable Secretary of the Treasury

Appoint-  
ment of per-  
son to exam-  
ine and give  
information.

of the United States to appoint M. G. Marsilliot, First Assistant Engineer, United States Revenue Marine, as the most suitable person (he having given the subject most careful attention) to collect and compile statistics, conduct experiments, and report all information that can be obtained on the subject to the Honorable Secretary of the United States Treasury, through the Collector of Customs of the Port of San Francisco; to the Secretary of the Interior of the United States, for publication in the Report of the Department of Agriculture; to the Governor of the State of California; to the State University and College of Agriculture at Berkeley; and to the California Agricultural Society at Sacramento, for the benefit of the public.

*Resolved*, That the Governor of this State shall transmit a certified copy of these resolutions to our Senators and Representatives in Congress, and earnestly request them to take immediate action in this important matter.

CHAP. XLIX.—*Assembly Joint Resolution No. 65; Joint Resolution relative to constructing a breakwater or sea-wall in the Harbor of Santa Barbara.*

[Adopted March 22, 1878.]

*To the Honorable the Senate and House of Representatives of the United States:*

Preamble  
concerning  
construc-  
tion of sea-  
wall in Bay  
of Santa  
Barbara.

WHEREAS, There is no safe anchorage or place of harbor for sailing vessels or steamers, during the winter, between San Francisco and San Diego, a distance of about five hundred miles; that the Bay of Santa Barbara is situated about midway between these two land-locked harbors; that the statistics of the Revenue Inspector at Santa Barbara show that steamers and sailing vessels to the number of twenty-seven hundred and sixty have passed through the Santa Barbara Channel during the last three years, making an average of nine hundred and twenty vessels annually, and this independent of the regular passenger and freight vessels touching at this port; that a port of refuge is necessary here; that the recent great and rapidly growing development and the large increase in population of the California Coast between San Francisco and San Diego demand another safe refuge between those points; and, whereas, the Bay of Santa Barbara is, without exception, the best place on the southern coast, and the one where the greatest benefit would accrue to the many, for the construction of a harbor of refuge; that it is the central point between the two existing harbors; that the Channel of Santa Barbara is naturally better protected than any other locality on the southern coast, owing to the eastward trend of the coast south of Point Concepcion, and because of the outlying Islands of Santa Cruz, Santa Rosa, and Anacapa; that a sea-wall giv-

ing a safe port of refuge during the entire year to all vessels, could be constructed at the Bay of Santa Barbara at a much smaller outlay than at any other point; and, whereas, the necessary rock and material for such construction can be obtained upon public lands, within two or three miles from tide-water, at no further cost than the expense of excavating and hauling; that Santa Barbara has become a health resort, recommended by physicians for invalids from all parts of the United States; that the city has a population of six thousand inhabitants, and the county a population of some fifteen thousand, which is rapidly increasing; that it has no other means of communication with the outside world than by steamer, and there is no facility nor safety in landing; that no government aid has been granted for public improvement at this locality; therefore, .

*Resolved by the Assembly, and the Senate concurring,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure an appropriation for the erection of a sea-wall or breakwater in the Bay of Santa Barbara, State of California, and that the Governor of this State be requested to transmit a copy of this resolution to each of our Senators and Representatives, with a request that they take speedy action in the matter.

Appropriation asked.

CHAP. L.—*Assembly Concurrent Resolution No. 67, relative to a weekly mail route from the county seat of Fresno, and via Liberty, to Waltham Cañon, in Fresno County.*

[Adopted March 22, 1878.]

*Resolved,* That our Senators in Congress be instructed, and our Representatives requested, to use their efforts to procure the establishment of a weekly mail route from the county seat of Fresno, via Liberty, to Waltham Cañon, in Fresno County.

Mail service between Fresno and Waltham Cañon.

*Resolved,* That his Excellency, the Governor, be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

CHAP. LI.—*Assembly Concurrent Resolution No. 77.*

[Adopted April 1, 1878.]

*Resolved by the Assembly, the Senate concurring,* That the present Governor be requested to prepare, or cause to be prepared, for the information of the Legislature at its next

Governor to prepare statement.

session, a statement of the unpaid indebtedness of the several swamp land districts organized by the State Board of Swamp Land Commissioners, the available assets of such districts, and his recommendations in regard to the proper method of paying such indebtedness.

CHAP. LII.—*Senate Joint Resolution No. 13.*

[Adopted April 1, 1878.]

Preamble  
concerning  
time to  
elapse be-  
tween elec-  
tion and  
meeting of  
Presidential  
Electors.

WHEREAS, It is provided by the Constitution of the United States that "each State shall appoint, in such manner as the Legislature thereof may direct," the Presidential Electors, and under said provision it devolves upon the Legislature to provide not only for the manner of voting for such Electors and the counting of the votes, but also for the judicial determination of all controversies and contests arising in reference thereto; and, whereas, under the existing laws of the State no provision is made for determining such controversies and contests; and, whereas, it is expedient and necessary that this omission should be supplied, and provisions be made by law for the judicial determination of all such controversies and contests; and, whereas, the Congress of the United States, under the powers conferred upon it by the Constitution, has fixed the Tuesday after the first Monday in November as the day for the election of Presidential Electors, and the first Wednesday in December following as the day for the Electors to meet and cast their votes for President; and, whereas, the period elapsing between the days thus fixed is too short to admit of any judicial determination of controversies and contests arising as to the election of such Electors, and the Legislature is thereby prevented from exercising its undoubted jurisdiction in the premises; therefore, be it

Provision  
asked for.

*Resolved by the Senate and Assembly of the State of California,* That our Senators be instructed, and our Representatives in Congress requested, to use all means in their power to secure such amendment of the law as to provide for the lapse of at least five months between the day fixed for choosing Electors and the day fixed for the casting of their votes for President, and that a copy of these resolutions be forwarded to each of our Senators and Representatives in Congress.

CHAP. LIII.—*Senate Joint Resolution No. 50.*

[Adopted March 30, 1878.]

WHEREAS, By the provisions of the internal revenue laws of the United States savings banks having a capital stock, although paying more than the prescribed dividend of four and one-half per cent. per annum to their depositors, are excluded from the privilege of exemption from the tax on deposits, for deposits not exceeding two thousand dollars, if said savings banks are paying more than eight per cent. per annum to their stockholders; and, whereas, in California the standard of interest exceeds considerably said limit of four and one-half per cent. per annum, and depositors obtain much higher dividends, to wit, from seven and a half to ten per cent. per annum, and no savings banks could be patronized or exist in this State unless paying such higher dividends, whilst obviously no guarantee funds could be obtained without paying dividends thereon exceeding eight per cent. per annum—that is, exceeding the average rate paid to the funds intended to be guaranteed; and, whereas, by reason thereof the savings banks having a guarantee fund for depositors called “capital stock,” in California, are made to pay nearly the entire amount of tax paid by such banks in the United States, to wit: \$149,033 08 out of a total of \$161,148 40, according to the report of the Hon. Commissioner of Internal Revenue for 1877, which fact establishes an extraordinary and oppressive discrimination against depositors in such savings banks in the State of California, from whose earnings almost the entire tax in the United States is taken; therefore,

Preamble concerning savings banks.

*Resolved by the Senate, the Assembly concurring,* That our Senators be instructed, and our Representatives requested, to use all means in their power to secure the passage of an Act of Congress repealing such parts of said revenue laws as create a distinction between the taxation upon the deposits in savings banks having a capital stock, and upon those in savings banks having none.

Repeal of certain revenue laws asked for.

*Resolved,* That the Governor of this State be requested to forward to each of our Senators and Representatives a copy of this preamble and of this resolution.

CHAP. LIV.—*Assembly Joint Resolution No. 73.*

[Adopted March 30, 1878.]

*Resolved by the Assembly of the State of California, the Senate concurring,* First, that our Senators be instructed, and our Representatives requested, to urge upon Congress the im-

Payment of Indian war bonds.

diatc payment of all bonds, coupons, and certificates of coupons issued by the State of California for expenses incurred in the Indian wars, which have not been paid by the General Government; second, that his Excellency, the Governor, be requested to cause a statement of all such bonds, certificates, and coupons, and of the circumstances connected therewith, to be prepared by the Controller, and upon such statement being prepared, to cause an application to be made to Congress, in the name of the State of California, for the payment of said bonds, coupons, and certificates; third, and that he forward a copy of these resolutions to each of our Senators and Representatives in Congress.

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CHAP. LV.—*Senate Joint Resolution No. 54.*

[Adopted March 26, 1878.]

Re-survey of  
San Pablo  
and Suisun  
Bays.

*Resolved by the Senate, the Assembly concurring,* That our Senators in Congress are hereby instructed, and our Representatives requested, to use their efforts to have a re-survey made of San Pablo and Suisun Bays by the Government of the United States.

*Resolved,* That the Governor is hereby requested to have copies of this transmitted to our Senators and Representatives in Congress.

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CHAP. LVI.—*Senate Joint Resolution No. 59.*

[Adopted March 30, 1878.]

Restoration  
of J. B. Col-  
lins to for-  
mer position  
in army.

*Resolved by the Senate, the Assembly concurring,* That our Senators be instructed, and our Representatives in Congress requested, to use their best efforts to procure the passage of such Act or Acts, as are now pending before Congress, as will result in the restoration of Major and Brevet Colonel Joseph B. Collins to his former position in the Army of the United States.

*Resolved,* That his Excellency, the Governor of California, be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

CHAP. LVII.—*Senate Joint Resolution No. 57.*

[Adopted March 28, 1878.]

WHEREAS, The California Rifle Team in the Inter-State Rifle Match at Ceedmoor, in the year 1877, met and defeated the selected marksmen of the United States there assembled; and, whereas, in that contest the Rifle Team paid their own expenses, and not only received no aid from the State it represented, but has obtained no official acknowledgment of the skill there exhibited; and, whereas, it has been proposed to have, at the approaching Paris Exhibition, an International Rifle Match, and the United States should be represented at such contest, through her most skilled marksmen, and provision should be made therefor, and the possibility of our being unrepresented should not be incurred by a failure of the United States Government to provide for the same; therefore, be it

Preamble concerning expenses of International Rifle Team.

*Resolved by the Senate, the Assembly concurring,* That our Senators and Representatives be requested to secure some adequate appropriation from the Federal Government to pay the expenses of a Rifle Team, to be selected from the regular Army of the United States, and the National Guard of the several States, which shall attend said international contest at Paris as the representatives of the United States.

Appropriation asked for.

*Resolved,* That the Governor be and he is hereby requested to transmit copies of this resolution to our Senators and Representatives in Congress.